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EL SALVADOR:
Government-FMLN Peace Agreements, 16 January 1992

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El Salvador: Government-FMLN Peace Agreements, 16 January 1992

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["Peace Agreement" signed by the Government of El Salvador and the Farabundo Marti National Liberation Front, FMLN, in Mexico City on 16 January 1992]

[Text] "We are willing to work, from the first day of our government, in search for peace, being careful of not violating the Constitution in any way." [signed] **Alfredo F. Cristiani**, President of the Republic of El Salvador, 1 June 1989.

The Government of El Salvador and the Farabundo Marti National Liberation Front [FMLN] (hereinafter known as "the parties"),

Reaffirming the purpose stated in the Geneva Agreement of 4 April 1990, namely to "end the armed conflict by political means within the shortest possible time, promote the democratization of the country, guarantee unrestricted respect for human rights, and reunify Salvadoran society;"

Keeping in mind the Agreements of San Jose, Mexico, and New York, dated 26 July 1990, 27 April 1991, and 25 September 1991, respectively, reached by the parties through a negotiating process carried out with the participation of the UN secretary general and his representative, agreements that form a single unit with the one being signed today;

Having concluded negotiations regarding the substantive topics of the Caracas Agenda of 21 May 1990 and of the New York condensed negotiation of 25 September 1991;

Have arrived at the following political agreements, the implementation of which, in union with that of the aforementioned prior agreements, will put a permanent end to the Salvadoran armed conflict:

Chapter I

Armed Forces

1. Doctrinaire Principles of the Armed Forces

The Armed Forces doctrine, based on the constitutional reforms approved in April 1991, will conform to the following principles, which from now on will be based exclusively on the Armed Forces' institutional administration and educational system; and its actions will be restricted to the strict observance of the same:

A. The Armed Forces has the mission of defending state sovereignty and territorial integrity, under the terms of administration defined by the Constitution and the law. Compliance with same goes together with democratic values and strict adherence to the Constitution in every aspect.

B. As established by the Constitution, the Armed Forces is a permanent institution that serves the nation; it is obedient, professional, nonpolitical, and nondeliberating. Its institutional administration and actions will also conform to principles resulting from the state of law; the supremacy of human dignity and respect for individual rights; respect and defense of the sovereignty of the Salvadoran people; the idea of the Armed Forces as an institution alien to every political, ideological, or social bias and any other form of discrimination; and the subordination of the institution to constitutional authorities.

C. The Armed Forces must respect the political order established by the sovereign will of the people and every political or social change resulting from it, in keeping with the democratic procedures listed in the Constitution. Its institutional administration and actions will be defined to ensure friendly relations with civilian society, as well as the normal development of its members.

D. As a government institution, the Armed Forces has an instrumental, not decisionmaking, character in the political arena. Consequently, only the president of the Republic and the basic government organizations will be able to use the Armed Forces to fulfill the provisions adopted, within their respective constitutional areas of authority. This will ensure full compliance with the Constitution. In addition, the aforementioned authorities will be exclusively responsible for verifying that the political and social changes mentioned in the paragraph above will be included in the Constitution.

E. The Armed Forces doctrine is based on the distinction between the concepts of security and defense. National defense, a responsibility of the Armed Forces, is aimed at guaranteeing sovereignty and territorial integrity in the face of a foreign military threat. Security, though part of the aforementioned idea, is a broader concept based on full respect for man's individual and social rights. In addition to national defense, security encompasses economic, political, and social aspects that go beyond the constitutional authority of the Armed Forces, and whose responsibility is that of other sectors of society and the state.

F. The preservation of internal peace, tranquillity, order, and public security is outside the ordinary mission of the Armed Forces as an institution responsible for national defense. In such instances, the eventual role of the Armed Forces is absolutely unusual, to be exercised only when ordinary means have been exhausted, and under the terms established by the constitutional reforms approved in April 1991.

2. Educational System of the Armed Forces

Reiterating the full extent of its previous agreements, whereby the professional training of the members of the Armed Forces will emphasize the importance of human dignity and democratic values, respect for human rights,

and the institution's subordination to the constitutional authorities, the parties have reached the following agreements:

A. The legal framework of the educational and training system of the Armed Forces will be drafted based on what has been established by Articles 212 and 213 of the constitutional reform agreed to in April 1991.

B. The doctrinaire framework of the educational system of the Armed Forces is defined by the doctrinaire principles described in Chapter I of this agreement. Said principles will be the basis of all educational and training programs of the Armed Forces at all levels.

C. The plans and programs of study aimed at the education and training of the Armed Forces will include, in addition to technical-military subjects, scientific and humanistic courses aimed at integral training, which will provide the students with the necessary background to actively participate in the country's institutional life and encourage a permanent harmonious relation with civilian society, as well as the student's normal development as one of its members.

D. To contribute to the efforts of achieving the objectives mentioned in the preceding paragraph, the members of the Armed Forces will be encouraged to take professional and graduate courses taught at the country's universities.

E. The Military Academy will have a collegiate regimen in educational matters and its director will be the president of an Academic Council, formed by military and civilian professors. The members of the Academic Council will be appointed by the president of the Republic.

F. The National Commission for the Consolidation of Peace [COPAZ] will decide on the number of members of the academic council, which will be jointly composed of civilian and military members.

G. The civilian components of the academic council will be appointed by the president, based on criteria of political pluralism, from groups of three candidates proposed by COPAZ.

H. The teaching body will be appointed by the academic council, which will ensure that no single political tendency prevails.

I. The director of the military academy will be appointed by the president of the Republic.

J. The admission system will be determined by the academic council and will ensure it is not discriminatory.

K. COPAZ will supervise the compliance of Sections G, H, and J under the terms stipulated in the 25 September 1991 New York Agreement.

3. Purging

A purging process within the Armed Forces has been agreed upon in the framework of the peace agreements to accomplish the supreme objective of a national reconciliation based on the evaluation of all its members by an ad hoc commission.

A. The evaluation will consider the background of each officer, including: 1) his record on observance of the law, with a special emphasis on respect for human rights, both in his personal conduct as well as the strictness with which he may have ordered the correction and punishment of human rights violations or abuses which may have occurred under his supervision, particularly if serious or systematic omissions are observed in this regard; 2) his professional capabilities; 3) his ability to conduct himself under the new conditions of peace within the context of a democratic society, as well as to promote the democratization of the country, guarantee a strict respect for human rights, and reunify Salvadoran society, which is the common goal of the parties in the Geneva Agreement. The existence of serious deficiencies in any one of the aspects mentioned above, is sufficient grounds for the decisions that must be made by the ad hoc commission according to Paragraph "G" of this chapter.

B. The evaluation will be done by a strictly impartial ad hoc commission, formed by three Salvadorans known for their independence and unblemished democratic background. Two Armed Forces officers of unblemished professional performance will also participate. They will only participate in the commission's deliberations, not in the investigatory phase. They will, however, have access to the findings of the commission.

The selection of the three civilian members of the ad hoc commission will be a result of consultations carried out by the UN secretary general, who is to inform the two sides on the same date about the results of this process. The president of the Republic will issue, within five days following this agreement, the document legalizing the commission. The same procedure is to be followed to fill a vacancy in the commission. The president will appoint the two Armed Forces officers who will participate in the ad hoc commission.

C. The Truth Commission, created by the Mexican Accords of 26 April 1991 (henceforth "the Truth Commission") may appoint an observer to the ad hoc commission.

D. The ad hoc commission will have the civilian support personnel it deems necessary.

E. The Defense and Public Security Ministry (see footnote 1), as well as any other public entity, will provide any information requested by the ad hoc commission, including the service record of every officer. In every case, the ad hoc commission may use information from any other source it deems reliable.

Footnote 1: The outcome of the Constitutional reform process will be taken into consideration.

F. The ad hoc commission will adopt and, if need be, request all the measures it deems necessary to protect itself, as well as to protect the physical and moral well-being of individuals, regardless of their position.

G. The ad hoc commission will adopt its conclusions, following a meeting with the persons involved, based on the terms established in Paragraph A of this chapter. The conclusions may range from a change of command [destino] to, if appropriate, the discharge of the serviceman under review.

H. The ad hoc commission will strive to adopt unanimous decisions. If that is not possible, a majority vote will be sufficient.

I. The evaluation will be extended to non-commissioned officers if the ad hoc commission recommends it.

J. The ad hoc commission will conclude its review within three months. Administrative decisions based on the findings of the evaluation will be adopted within 30 days following the date the government is notified and will be implemented within 60 days from the same date.

K. The results of the evaluation will not hamper the enforcement of recommendations by the Truth Commission.

4. Reduction

The new reality of peace will result in a reduction in the Armed Forces. Its scope will be adjusted to the functions assigned by the Constitution, within the framework of the constitutional amendments from the Mexican Accords, as well as to its doctrine. In view of the above, and in implementing the New York Agreements, the government has submitted to the UN secretary general a plan for the reduction of the Armed Forces. The secretary general has informed the FMLN about the plan. The implementation of this plan should produce, as a practical consequence, the reduction of the different branches of the Armed Forces.

A. Organization:

The organization of the Armed Forces will correspond to its institutional mission in peacetime, with an arrangement of the functions assigned to it by the Constitution, that entails:

a. the appropriate unit to fulfill different tasks corresponding to said mission;

b. the appropriate structure, organization, and equipment in terms of weapons, service, category (rank), and speciality; and

c. the personnel needs, according to unit, mission, and rank.

B. Units:

a. The reduction of the units will be based on the new organization of the Armed Forces. The number and kind of units will be adjusted to said organization.

b. In every case, the reduction covers units created as a result of the conflict.

C. Personnel:

The new organization and the reduction of the units entail the reduction of Armed Forces personnel in various categories, branches, services, or specialties. The number of officers will be reduced in line with the reduction plan and in accordance with the normal needs of an army.

D. Materiel and Equipment:

Materiel and equipment will be adapted to the new organization, to the new doctrine of the Armed Forces, and their constitutional mission.

E. Installations:

The reduction entails the reconversion, return, or elimination of installations that will no longer be used by the Armed Forces.

F. Administrative and Service Structures:

All the administrative and service structures will be adapted to the new reality of peace and to the doctrine and new constitutional mission of the Armed Forces.

G. Military expenditures [no explanation as published]

5. Overcoming Impunity

It is recognized that all assertions of impunity of Armed Forces officers must be clarified and overcome, especially in cases in which respect for human rights is involved. To this end, the sides remit to the Truth Commission the analysis and solution of this point. All without detriment to the principle, which the sides equally recognize, that incidents of this nature, regardless of the sector from which their perpetrators come, must be the object of exemplary action by the courts of justice, so that the penalties established by the law will be applied against those who are found to be responsible.

6. Public Security Corps

A. In accordance with the constitutional reform stemming from the Mexico Agreements, the National Civilian Police [PNC], which will be under the direction of civilian authorities, will be in charge of preserving public security, order, calm, and peace in both urban and rural areas. The PNC and the Armed Forces will be independent and will be under different ministries.

B. Under the terms of the agreement the sides will sign on this same date, the PNC will be a new body, with a new organization, new cadres, new education and training mechanisms, and a new doctrine.

C. The National Guard and the Treasury Police will be eliminated as public security corps. Their members will be incorporated into the Army.

7. Intelligence Services

A. The National Intelligence Directorate will be eliminated and state intelligence services will be entrusted to a new institution that will be called the State Intelligence Organization [Organismo de Inteligencia de Estado]. It will be subordinated to civilian power, under the direct authority of the president of the Republic. During the transition period, the director of the State Intelligence Organization will be a civilian appointed by the president of the Republic on the basis of broad acceptance. The director can be removed by the Legislative Assembly for grave violations of human rights.

B. The legal regime, the training of personnel, organizational guidelines, operational directives, and, in general, the doctrine of the State Intelligence Organization will fall within the framework of democratic principles; of the concept that state intelligence is a function of the state for the common good, free of any consideration for politics, ideology, or social position or any other discrimination; and of strict respect for human rights.

C. The activities of the State Intelligence Organization must be confined to what is required for the gathering and analysis of information in the general interest, by the means and within the limits authorized by the legal order and, particularly, with strict respect for human rights.

D. The activities of the State Intelligence Organization will be supervised by the Legislative Assembly, in accordance with the control mechanisms established by the Constitution.

E. Employment and compensation options will be offered to those personnel currently working for the National Intelligence Directorate who are not incorporated into the new State Intelligence Organization. International support will be requested for this purpose.

F. The incorporation into the State Intelligence Organization of the National Intelligence Directorate personnel who so request it will be possible only after rigorous evaluation of their background, capabilities, and aptitude to adapt to the new doctrine. This evaluation will be conducted by the director of the organization, under the authority of the president of the Republic, with the support of international advice and verification by the United Nations.

G. The State Intelligence Organization will be organized by its director, under the authority of the president of the Republic.

8. Rapid Deployment Infantry Battalions [BIRI]

It is accepted that the BIRI were formed at a specific point in the conflict and that their existence should be reviewed in the measure that circumstances allow. It is, consequently, also accepted that the BIRI will not be necessary in the new reality of peace and, thus, can be liquidated and their personnel relocated.

9. Subordination to Civilian Power

The president of the Republic, within the discretionary authority bestowed on him by the Constitution, will be able to appoint civilians to the position of defense minister. In this respect, the persons appointed should agree to comply with the peace agreements.

10. Paramilitary Organizations

A. It is accepted that all organizations or paramilitary groups must be banned in a state of law.

B. Civil Defense:

The civil defense force will be liquidated. Its liquidation will be gradual and subject to the implementation schedule of the peace agreements.

C. Armed Forces Reserves:

A new Armed Forces reserve system will replace the current Territorial Service and will operate according to the following terms:

a. The Armed Forces Reserves will have the responsibility of organizing and operating the following: 1) An up-to-date register on the citizens who are in the reserves and of those who are suited for military service; 2) A system to update the reserve personnel's military skills; 3) Procedures to call up reserve personnel when they are required to enter active duty to carry out the mission assigned to the Armed Forces by the Constitution.

b. The new Armed Forces Reserves will be under the defense ministry.

c. The Armed Forces Reserves will only carry out missions once they have entered active duty and in conformity with the Constitution. It will not carry out public security or population and territory control tasks.

d. The valid laws, regulations, and decrees on this subject must be made to agree with the terms stipulated in the current agreement.

D. Regulations for Private Security Services:

The parties admit the need to regulate the activities of all those organizations, groups, or people who give security or protection services to individuals, firms, or state institutions, so as to ensure the openness of the private security services' activities, as well as their strict adherence to the law and respect for human rights. To this effect:

a. A special law will regulate the activities of the organizations, groups, or people who give security or protection to individuals, firms, or state institutions. Said law will establish the requirements to offer and to render such services: a public record of their personnel, weapons, and different offices, if they should have them; of the groups,

organizations, or people rendering private security services; the establishment of appropriate control mechanisms, which may be supervised by the PNC; and, in general, the necessary restrictions and constraints to ensure that private security services operate entirely within the law.

b. The law will also establish peremptory deadlines to comply with the aforementioned requirements whenever pertinent. The organizations that have not complied with the aforementioned requirements once the deadline has passed will be considered lawless and its members and organizers will be subject to the corresponding legal penalties.

c. To this effect, the parts agreed on in the outline for the legislative bill are included as an annex to the current agreement and are being sent to COPAZ, with other considerations, so that COPAZ may prepare the corresponding bill.

11. Suspension of Forceable Recruitment

A. Any form of forceable recruitment will be suspended when the end of the armed confrontation becomes effective, until such time the law referred to in the subsequent paragraph is enacted.

B. A new law on military service and reserves will be promulgated. This law will establish the following basic tenets of military service: the universal, obligatory, nondiscriminatory, and equal nature of its fulfillment.

C. According to the above, the law will establish that every Salvadoran must report in a timely manner to the appropriate conscription center. Recruitment will be effected exclusively based on lotteries and registration of volunteers. Military service can be continuous or discontinuous.

D. The law mentioned above will contemplate administrative penalties for whose who do not fulfill the obligations stipulated therein; it will determine the causes for temporary or permanent absences and the equivalent duties in the various fields of military service and other general provisions.

E. The law will also regulate the Armed Forces reserves in conformity with paragraph C of Chapter X of the present agreement.

12. Preventive and Promotion Measures

Within the context of the objectives of this agreement, the need is recognized to adopt certain measures to promote the better fulfillment of Armed Forces regulations and to prevent violations of the same. Such measures include the following:

A. Supervision of Armed Forces activity by the Legislative Assembly.

B. The effective operation of the Armed Forces Inspector General's office. The Inspector General will be a member of the Armed Forces with a spotless background, designated by the president of the Republic.

C. Creation of the Armed Forces Honor Tribunal to judge cases which, although not necessarily punishable, attack military honor. This does not preclude the soldiers being brought before justice tribunals.

D. Reforms to the law to punish illegal enrichment, expressly including within its jurisdiction the commanders of higher military units and those who hold administrative posts on the same level.

E. Cancellation of permits to private individuals to carry weapons to be used exclusively by the Armed Forces and immediate collection of the same.

F. Dissemination of the Armed Forces doctrine so that it will be learned by all society.

G. Adaptation of the Armed Forces Law to make it consistent with the constitutional reforms approved in April 1991, the New York Agreement, and the present agreement.

13. Relocations and Discharges

A. The relocation in the Armed Forces of the members of those units subject to being eliminated or dissolved will be carried out, provided the relocation is compatible with the number of Armed Forces troops contemplated in the objectives of this agreement and in the conclusions and recommendations of the ad hoc commission set forth in Chapter III.

B. All members discharged in the wake of these agreements will be indemnified with one year's wages. The government will strive to carry out projects to reintegrate them to civilian life.

Chapter II

National Civilian Police

1. Creation of the PNC

The PNC will be created in accordance with the constitutional reform emanating from the agreements reached in Mexico. The PNC will be a new organization that will have a new leadership, new training methods, and a new doctrine.

A. The PNC will be the sole nationwide armed police body. Its mission will be to protect and guarantee the free exercise of a person's rights and liberties; prevent and combat all kinds of crimes; and maintain internal peace, calm, order, and public security in rural and urban areas.

B. In keeping with the New York Agreement, the PNC organization and the general characteristics of its personnel profile will be defined by the terms established in this agreement under close international cooperation and supervision and UN coordination (see footnote 2).

Footnote 2: The international cooperation mentioned in these agreements will be coordinated by the United Nations and subjected to the receipt of formal government requests and compliance with official formalities and the corresponding consultations.

2. Doctrine

A. The legal regime, the personnel training, the organizational and operational guidelines, the institutional definition, and the PNC actions will be guided by democratic principles; by the notion that public security is a state service for the citizens that is granted regardless of political or ideological considerations or social position, and free any other kind of discrimination; by a respect for human rights; by efforts to prevent crime; and by the subordination of the body to constitutional authority. The exercise of the citizens' political rights cannot be undermined by police actions.

B. The PNC will be a professional body, independent of the armed forces and partisan activity. Without having their citizens' rights to follow their political preferences undermined, they cannot use their position for partisan purposes.

C. PNC members will at all times fulfill the duties imposed by the law by serving the community and protecting all people from illegal actions in keeping with the high degree of responsibility demanded by their profession.

D. In the fulfillment of their duties, PNC members will respect and protect human dignity and respect and defend the human rights of all the people.

E. PNC members may use force only when absolutely necessary and only to the extent required for the fulfillment of their tasks.

F. Confidential matters that PNC members may have access to will be kept secret unless the fulfillment of their duties or the needs of justice strictly demand otherwise.

G. No PNC member may inflict, instigate, or tolerate any act of torture or similar treatment or any cruel, inhuman, and degrading punishment. No PNC member may claim the order by a superior or special situation, such as war or the threat of war, threat to national security, internal political instability, or any other public emergency—as a justification to torture or inflict other cruel, inhuman, or degrading treatment or punishment.

H. All superior orders will be in keeping with the laws of the republic. Obedience to a superior order will not be justification for the commission of clearly punishable acts.

I. PNC members will guarantee the full protection of people under their custody, and in particular, adopt immediate measures to provide medical attention when warranted.

J. PNC members will commit no acts of corruption and will also vigorously oppose such actions and combat them.

K. PNC members who have reason to believe that a violation of the current norms of conduct has occurred, or is about to occur, must notify their superior officers and, if necessary, any authority or the appropriate organization which has control or corrective authority.

L. While carrying out their job, PNC members will use, whenever possible, nonviolent means before resorting to the use of force and firearms. They may use force and firearms only when other methods prove ineffective or do not fully guarantee the achievement of a foreseen legitimate result.

M. PNC members will not use firearms against the people except to defend themselves or others, in case of imminent death or critical injuries; to prevent the perpetration of a particularly grave crime which entails a serious threat to life; to arrest a person who represents danger and resists the PNC member's authority; and only in case less extreme measures prove insufficient to achieve those goals. In any case, lethal weapons may intentionally be used only when they are absolutely necessary to defend a life.

N. In accordance with the fulfillment of their duty to protect people's rights, PNC members will protect the exercise of the right to meet and participate in demonstrations when, for legal reasons, they are compelled to dissolve a demonstration or gathering; they will use the least dangerous means and only the minimum measure of force required. PNC members will abstain from using firearms in those cases, except when it involves violent gatherings in which other measures have been exhausted and when the circumstances in the preceding paragraph prevail.

3. Operational and Territorial Structure

The operational and territorial structure to be adopted by the PNC is defined in the following general outline. The structure must be reflected in the PNC's organization chart and organization law.

A. General legal framework

a. PNC Authorities

(1) The PNC will be under the rule of civilian authorities (Article 168, Number 17 of the Constitution). The authorities will be: The president of the Republic, the minister [not further identified], the deputy minister [not further identified], the police director general, the assistant directors general, the inspector general, and the chiefs of departmental divisions [delegaciones].

(2) The PNC inspector general will be appointed by the president of the Republic. He may be removed by a Legislative Assembly resolution in the case of grave human rights violations. PNC commanders will be civilians.

(3) Without detriment to the provisions in this agreement for a transitory regime, the PNC will be assigned to a new Interior and Public Security Ministry. The current Interior Ministry will be reorganized to that effect. A public security deputy ministry will be created, and it will be in charge of relations with the PNC. The public security structure will be entirely new.

b. Nature of the Organization

The PNC will have a centralized organization because it will be structured at the national level so that it may cover all the tasks assigned to the police. However, its operation will be decentralized because it will be comprised of Departmental Police Divisions [delegaciones] according to the country's administrative division.

Given the type of functions assigned to certain agencies within the PNC's organization, these may be placed under the functional rule of certain authorities in the terms outlined by this agreement.

B. Organizations Under the Director General

a. Assistant Directorates General

b. The Inspector General's Office

The Police Inspector General's Office will operate under the Director General's authority, and it will supervise and control the activities of the corps' operational services. The inspector general will be appointed by the director general, following consultations with the Attorney General of the Republic and the National Human Rights Attorney.

The Inspector General's Office will be comprised of the Control Division, whose function will be to control any police service; and the Disciplinary Investigation Division, whose function will be to investigate disciplinary violations perpetrated by a Police member.

c. Legal Counseling Services

These services will be offered by legal experts in the area. The legal counseling will be organized in keeping with the needs of the different operational and territorial structures of the police.

d. International Counseling Services

The international counseling will be offered by qualified personnel and high level technicians. It will be coordinated by the United Nations and will have a temporary nature.

C. The General Operations Deputy Director's Office

a. The Divisions.

(1) The Public Security Division

The Public Security Division will be responsible for maintaining tranquility, order, and public security. It will consist of the following departments: prevention; traffic; public order; private security; juvenile [see footnote 3]; and general coordination with the departmental offices.

Footnote 3: This department will support the Juvenile Directorate of the Justice Ministry.

(2) The Criminal Investigative Division

Placed under the operational command of the Attorney General of the Republic, the Criminal Investigation Division will be responsible for investigating crimes and gathering evidence that will serve to identify those responsible. It will also conduct investigations or other duties, as requested by the attorney general of the republic, the judges, and the courts.

The chief of the division will be appointed by the director general of the PNC, after consulting with the attorney general and the president of the Supreme Court of Justice.

The area of operation of this division will be organized in keeping with the crimes that are most frequently perpetrated. It will also have some technical support departments. The juridical administration applicable to this division will be in line with the Constitution with regard to the auxiliary organs of justice.

(3) The Border Division

This division will be responsible for overseeing and controlling the entry, departure, activities, and deportation of foreign citizens, as well as the migration of national citizens. It will also provide security and protection to public and private civilian airports, without interfering with the constitutional mission of the Armed Forces to defend the integrity of the territory of the state.

(4) The Finance Division

Placed under the operational command of the Finance Ministry and without affecting the fiscal control or other tasks of said ministry, this division will be responsible for preventing and fighting the violations of the fiscal legislation. It will be the organ that will provide police support to the Finance Ministry. It will be divided into two departments: Customs and Tax.

The Finance Division will be the only police organization that will exercise authority over the areas of customs and taxes. Consequently, when it begins operating, all the provisions and structures that are not concurrent with this principle will be left without effect.

The chief of the Finance Division will be appointed by the director general of the PNC with the approval of the finance minister.

(5) The Arms and Explosives Division

This division will be responsible for preventing and fighting the violations of the constitutional and legal regime on the manufacturing, importation, exportation,

commerce, ownership, and bearing of arms, ammunition, explosives, and similar articles.

(6) The Division of Protection of Personalities

This division will be responsible for guarding and escorting high-ranking government officials, foreign dignitaries who may be visiting the country, and other persons, as a result of decisions made by the government or courts. In addition, it will be tasked with guarding public buildings and the offices of diplomatic missions or international organizations.

(7) The Environmental Division

Under the operational command of the Ministry of Agriculture and Livestock, this division will be tasked with preventing and fighting crimes and offenses against the environment.

The chief of the Environmental Division will be appointed by the director general of the PNC, with the approval of the minister of agriculture and livestock.

b. The territorial distribution

A police office will be created in each department, plus a metropolitan police office for San Salvador. The headquarters of the regional police offices will be located in the capitals of the departments. Each police office will be able to have subdivisions, which will be located in the most important cities and also police offices in rural areas.

(1) The Departmental Police Office

The chief of the departmental police office will exercise his authority over all units of that department. He will be appointed by the director general of the PNC at the request of the deputy director of operations, who will be his immediate supervisor. Its organic structure will be made in accordance with the needs of each department.

(2) The Subdivisions and the Police Stations

Police offices will be established in the cities and will be organized in keeping with the local needs. Police stations will operate in rural areas.

D. The Administrative General Deputy Director's Office

The Administrative Deputy Director's Office will be responsible for carrying out and coordinating administrative activities, and providing logistical support to the police. In its initial stage, it will include the following divisions: —Division of Infrastructure
—Division of Information Science
—Division of Administration
—Division of Logistics
—Division of Planning and Budget

4. PNC Personnel

The PNC personnel will be organized under a hierarchical roster that will have three levels: basic, executive, and superior. Each level will have the positions stipulated by law. The personnel guidelines and general rules will be adapted to the terms stated in the current agreement.

A. Guidelines

a. The PNC personnel must have the calling to serve the community, must be proficient in human relations, and must be emotionally mature. The personnel must observe the necessary conduct and have the mandatory physical requirements to be policemen. The personnel must be able to work in a police corps that is conceived, structured, and disciplined as a civilian institution that must protect and ensure the free exercise of all the people's rights and liberties; that must prevent and fight all types of crimes; and that must maintain internal peace, tranquility, order, and public security in the country. The conduct of the police personnel conduct must conform satisfactorily to the PNC's doctrine and the legal system.

A candidate's resume will have to be verified prior to his admittance to the National Security Academy and to his permanent admittance to the corps. Specific guidelines and evaluation procedures will be established for each position and level of responsibility.

b. Education Requirements

(1) Basic level.

(a) A policeman must have completed the ninth grade in high school education. (b) The police sergeants must have a high school diploma.

(2) Executive level. The applicant must have passed three years of university studies or the equivalent.

(3) Superior level. The applicant requires a university bachelor's degree or the equivalent.

c. General requirements to enter the National Public Security Academy.

The requirements for a candidate to be admitted to the National Public Security Academy are:

(1) Must be a Salvadoran by birth;

(2) Must be 18 years old prior to the date he presents his application;

(3) Must have the required studies for the position or level he is requesting;

(4) Must be physically fit;

(5) Must be in full exercise of all his citizen rights;

(6) Cannot have a criminal record, that is, he cannot have a record of having been convicted of a crime;

(7) Must pass the entry tests that will confirm whether the candidate meets the requirements to become a PNC member, according to each of the levels of responsibility

defined by this agreement. The entry tests will include education, physical, health, and psycho-technological exams. These exams will be complemented by personal interviews with the candidates.

d. The exams mentioned in the preceding paragraph, as well as the manner in which the panel responsible for the exams and their evaluation is chosen, will be determined under entirely technical guidelines.

e. Special emphasis will be placed on the training of personnel. The objective is to give them the best professional skill and prepare them to carry out their work with strict adherence to the corp's doctrine. Special importance will be given to the respect for human rights.

B. General Regulations

a. The PNC members will be career professionals and representatives of authority.

b. The regulations that cover the duties, rights, responsibilities, and discipline of the PNC will be determined by law.

c. The PNC members will be obliged to render their services anywhere in the national territory.

d. The PNC members will wear the required uniform whenever they are in active service. In exceptional cases, the minister or deputy minister or the general director will be able to authorize that a policeman not wear the uniform to carry out a special task.

e. The PNC members will carry weapons when the service they are rendering requires it. They will only use handguns that are considered proper for police work and are not war materiel. The PNC's arsenal will have special weapons to be used by trained personnel when the minister or the deputy minister or the general director consider that there are special circumstances that require this.

f. The PNC members will respect the Constitution and the laws and will adjust their conduct at all times to the corp's doctrine, as has been defined in the present agreement.

g. The PNC members will not be confined to the barracks normally. This regulation will only be implemented under special conditions and only for the period of time required by the special conditions.

h. A law to cover the special situation of the PNC members' labor rights will be formulated in accordance with the nature of the tasks they must carry out.

i. The PNC members will enjoy job stability. They cannot be fired except for specific legal reasons.

j. The PNC member will have a right to a salary to ensure proper living conditions for the policeman and his family, in accordance, also, to the policeman's rank and years in the service.

k. The vehicles, communication equipment, uniforms, installations, and, in general, the equipment to be used by the PNC members will conform to the requirements of a police corps of the nature established in the current agreement.

5. National Public Security Academy

A. The National Public Security Academy's responsibilities are:

a. The training of the PNC personnel at the basic, intermediate, superior, and specialized levels.

b. The selection of the PNC personnel.

c. The investigation, evaluation, and announcement of all matters related to the PNC and public security.

d. The yearly evaluation of all PNC personnel.

B. The National Public Security Academy will be an autonomous organization placed directly under the public security minister's authority.

C. The National Public Security Academy will have a directorate board comprised of a director general and an Academic Council. The Academic Council will have normative and comptrollership functions within its field. The director general will be chairman of the Academic Council and he will have executive and administrative authority in the academy.

D. The director general will be appointed by the president of the republic.

E. The Academic Council will be comprised of civilians with an outstanding role in the country's civilian, cultural, legal, technical, police, or academic life; they will be appointed by the president of the republic upon proposals from the public security ministry and based on popular political views.

F. The admissions system will be determined by the Academic Council, which must guarantee that it is not discriminatory.

G. The academy's teaching staff will be appointed by the Academic Council. No political tendency should predominate within the staff. The law will establish the appropriate mechanisms to guarantee this last goal.

6. Legal System

The PNC and the National Public Security Academy will be regulated by two special laws. Consequently, the parties state their general agreement with the proposals for legislative bills that are included as annexes to this agreement. Therefore, in abidance by the New York Agreement, the proposals will be sent to COPAZ along with this agreement so that it may prepare the corresponding bills.

7. Transitory Regime

A. Organization

a. The PNC will not be placed under the authority of a ministry during the transition. The director general will be under the direct authority of the president of the Republic.

b. The PNC's organization will be led by the director general, under the terms set forth in this agreement and the New York Agreement. The organization will be carried out by a coordinator, selected by consensus, until the PNC's creation is legally established.

c. During the transition, the PNC director general will be appointed by the president of the Republic from a list of candidates proposed by the COPAZ.

d. The coordinator, and then the national director, will establish the appropriate information and communication mechanisms with COPAZ or, prior to its formal installation, with its Transitory Phase, so that it can fulfill its supervisory role in the PNC's organization. Within the normal exercise of its authority, COPAZ will appoint a sub-commission to carry out that mission; and the sub-commission will act as a consultative commission for the coordinator or director general for the adoption of decisions or relevant measures concerning the PNC's organization, its functions, and general issues related to the transitory regime that have not been specifically settled in this agreement.

e. According to what is established in the New York Agreement, the PNC's organization will be defined in the terms outlined in this agreement, with close international cooperation and supervision, coordinated by the United Nations.

B. Carrying Out of Duties

a. The PNC will progressively carry out its duties in the measure that the contingents graduating from the National Public Security Academy allow each of the functional and territorial structures outlined in this agreement to fully assume their duties. The director general will determine priorities and the order in which the duties will be carried out.

b. The process of replacing former security forces will be carried out by department, making sure that there are no gaps in authority. All the departments must be covered by PNC contingents within 21 months of starting the process.

c. The goal of 5,700 members and 240 executive and higher level officers must be reached within the first two years of creating the new corps. The definite PNC figures, 10,000 basic level members and 500 executive and higher level members according to preliminary estimates, must be reached within the next five years.

d. The director general will be able to order the creation of provisional commands, exclusively for the PNC, while the first directorate and executive echelons are organized. These commands will operate for a predetermined period and they will be supported by experts and advisers, within a program of close international cooperation and supervision that will be coordinated by the United Nations, under the terms outlined in this agreement.

e. While the new corps progressively carries out its duties based on the terms outlined in this agreement, the current National Police will continue to fulfill its usual obligations concerning public security, based on the decisions adopted by the PNC director general and according to the following paragraph.

The National Police will be the only current public security corps body that will keep its functions during the transitory period. The participation of a group of specialists from countries with experience in the organization and operation of civilian police corps will be included in the international verification of the agreements, carried out by the United Nations through ONUSAL [UN Observers for El Salvador]. These specialists' role will include, in addition to cooperating for the appropriate implementation of the transition and providing assistance to the police authorities, accompanying the PNC officers and agents when they carry out their duties.

f. While the new corps is progressively being deployed to zones that have traditionally been affected by the armed conflict, public security in those zones will be subject to a special regime that will be defined by the PNC Director General. In any case, the regime will call for the participation of the group of specialists mentioned in the previous paragraph.

g. PNC personnel graduating from the National Public Security Academy will be subject to the general no-billet rule included in this agreement. However, exceptions may be made in the beginning, whenever it is deemed necessary by the lack of personnel during the preliminary phases of the new corps' deployment. In any case, the special regime may not be extended beyond 31 December 1993.

h. In any case, the international advisory and verification role will be strengthened during the preparatory phase and during the transitory period in general, until the National Police is fully replaced by the PNC.

C. National Public Security Academy

a. The National Public Security Academy will not be under any ministry during the transition period. Its director will be under the direct authority of the president of the republic.

b. The director general of the National Public Security Academy will be chosen during the transition period by the president of the republic from a slate proposed by COPAZ.

c. COPAZ will determine the number of members of the Academic Council of the National Public Security Academy during the transition period. During this period, council members will be chosen the president of the republic from slates proposed by COPAZ. At any rate, it will be made up of civilians with outstanding civilian, cultural, judicial, technical, police, or academic records, in keeping with this agreement. The slates proposed by COPAZ and the president of Republic's final appointments must ensure that the Academic Council is pluralistic.

d. The admissions system will be established by the Academic Council, which will ensure that it will not be discriminatory.

e. Admissions will be contingent to the passing of admissions tests specified in Chapter IV of this agreement and adapted to the criteria and procedures mentioned in the New York Agreements. The drafting of such tests will be based exclusively on technical criteria. The composition of the juries tasked with administering and grading these tests must ensure their absolute impartiality. For this purpose, should it be necessary to obtain suitable technical resources that are in short supply in the country, the help of experts will be secured, in keeping with Paragraph F of this section, via the United Nations under the terms specified in this agreement. COPAZ will closely supervise this.

f. In selecting the initial academic personnel, all efforts will be made to secure the services of the best human resources available in Salvadoran society to put together a team of professors who are sufficiently broad-minded, pluralistic, and qualified to offer the new Police the bases of a cultural identity that is in keeping with their nature and doctrine. To this effect, the collaboration of university professors, expert jurists, doctors, and other professionals linked to police life will be recruited. COPAZ will establish the appropriate mechanisms to ensure that this academic body will not be dominated by any political persuasion. These mechanisms must be included in a draft bill on the National Public Security Academy.

g. The support of experts, as specified by the following article, will be secured via the United Nations, in keeping with the terms established in this agreement, should certain areas of study lack sufficient local teaching personnel to meet the initial needs of the academy.

h. In the recruitment, selection, and training of the new personnel, the support of experts from other countries, who can offer the required assistance to meet the process' needs, will be secured via the United Nations, under the terms established in this agreement.

D. Personnel

a. The criteria and mechanisms used to select and train the personnel will be based on the principle of the PNC as a new body, with a new organization, new leadership, new training mechanisms, and new doctrine. With this in mind, people who have had no relation to the armed conflict will be incorporated into the organization. This will be done without violating the right of those being tested; the National Police and former FMLN combatants will not be discriminated against in the selection of the personnel and their joining the PNC under the terms specified by the New York Agreements and the present agreement.

b. As soon as possible, an information and propaganda campaign aimed at encouraging the recruitment of new personnel for the PNC will be devised and implemented. Special emphasis will be placed on the recruitment of women.

c. According to the present agreement, after an evaluation of their conduct has been done, the former members of the National Police will be able to join the PNC as long as they comply with the admissions requirements and pass through the new National Public Security Academy. The aforementioned evaluation will be conducted by the director general of the PNC, under the supervision of COPAZ, and it will be subject to verification by the United Nations.

d. The former combatants of the FMLN will be able to join the PNC as long as they comply with the admissions criteria and procedures established by COPAZ and go though the National Public Security Academy. As part of the verification of the cease-fire, ONUSAL will see to it that the former FMLN members who are prospective candidates have effectively and definitely abandoned the armed struggle. This will be supervised and guaranteed by COPAZ.

e. Regarding the recruitment of personnel alluded to in the preceding paragraphs, at the basic level of the PNC, the cultural level of prospective candidates and/or the areas from where they will be recruited to perform their duties will be taken into account. Those who do not have the level of studies required to join the PNC will have to take an aptitude and ability test. This will permit the authorities to evaluate their ability to satisfactorily pass the study programs at the National Public Security Academy. To prepare prospective candidates for that test, specific courses will be organized by the National Public Security Academy, with the support of the Education Ministry and the universities in the country.

f. For the courses at the basic level, 330 candidates will be selected each month for a six-month training class, during the first 24 months of the massive training program. The selection will be made in such a way so as to ensure that most candidates have not had direct participation in the armed conflict, and to ensure that the participation of former FMLN combatants is not greater than that of the former National Police members, or vice versa. COPAZ will verify that the aforesaid measures are complied with.

g. The recruitment of the cadres for the executive and top positions at the PNC will be made based on a rigorous selection process, in keeping with the criteria

and procedures established in the present agreement. The principles of nondiscrimination and equal opportunity among the candidates will be fully adhered to in this selection process. The courses will last one year, depending on the level and echelon in question. Every year, 120 cadres will be trained.

h. The appointments of graduates of the National Public Security Academy at the executive and top levels will be made by the director general, based on the needs of the service. However, those who have ranked in the first five positions of each promotion will be able to choose among the different vacant slots corresponding to the level of responsibility of the approved courses.

i. Without affecting the preceding paragraph, the traditional areas of conflict during the war will be treated in a different way in order to promote national reconciliation and stability in the transition period. Such special administration will include the incorporation of police units of different origin who have graduated from the National Public Security Academy. The appointment of the chiefs of the corresponding police stations will be made based on recommendation by the consulting commission of COPAZ.

j. All persons joining the PNC in accordance with the present agreement, regardless of their origin, will be considered as civilians.

E. Any other matter pertaining to the temporary administration which has not covered by the present or by other agreements adopted by the parties will be decided by COPAZ, according to the terms established by the New York Agreement.

Chapter III

Judicial System

1. National Council of the Judicature

A. The parties reaffirm what they agreed to in the Mexico Agreements, in the sense that the National Council of the Judicature will be formed to guarantee its independence from the branches of the state and the political parties. It will be made up not only of judges but of members of society who are not directly linked to the administration of justice. In accordance with the New York Agreement, this matter is put into the hands of COPAZ to prepare the corresponding bill.

B. Judicial Training School

a. In compliance with the Mexico Agreements, the bill mentioned in the preceding paragraph must include the regulation for the Judicial Training School, which will operate under the responsibility of the National Council of the Judicature. The purpose of the school is to guarantee continuous improvement in the professional training of judges, other judicial officials, and members of the Attorney General's Office; to investigate the country's judicial problems and to promote solutions for them; and to further greater ties of solidarity among themselves, as well as coherence in their overall view of the judicial mission in a democratic state.

b. The management and organization of the school will be established so as to guarantee its academic independence and to guarantee access to persons of different currents of juridical thought.

2. The National Prosecuting Office for the Defense of Human Rights

A. The national prosecutor for human rights will be appointed 30 days after the constitutional reforms contained in the Mexico Agreements become effective.

B. COPAZ will be in charge of drafting the bill for the National Prosecuting Office for the Defense of Human Rights.

C. The bill will establish the appropariate means to make effective the firm commitment the two parties made during the negotiations to identify and eradicate any of the groups involved in the systematic violations of human rights, especially with regard to arbitrary arrests, kidnappings, and executions, as well as other ways that go against an individual's freedom and personal safety. This includes a commitment to identify and, when applicable, eliminate and dismantle any jail or secret detention sites. In any case, the parties agree to give top priority to the investigation of such cases, under the verification of ONUSAL.

Chapter IV

Electoral System

The parties reaffirm their commitment, contained in the Mexico Agreements, to promote a general project of reforms to the electoral system. To this end, they ask COPAZ to appoint a special commission created for such a purpose in the Mexico Agreements. This commission will study the draft reforms to the electoral code that the Central Electoral Council presented to the Legislative Assembly, as well as any contributions that may be presented by any of its members or the independent experts invited for this purpose. The special commission will organize its work in such a way that this work can be used within the scheduled time for the electoral reform.

Chapter V

Economic and Social Issue

1. Preamble

One of the requirements for reunification of Salvadoran society amid democracy is the sustained social and economic development of the country. Likewise, reunification of Salvadoran society and an increasing degree of social cohesion are indispensable elements in achieving development. That is why, among the series of agreements that are required to definitely end the armed conflict in El Salvador, a minimum set of agreements

must be included to facilitate development for the benefit of all segments of the population.

According to the New York Agreement, the topics that are covered in this document are: the agrarian problem, credit for the agriculture and livestock sector, measures that are necessary to alleviate the social cost of implementing financial adjustment programs, advisable mechanisms for direct foreign cooperation intended to promote assistance and development projects in each community, the creation of a forum for an economic dialogue, and the national reconstruction plan. In addition, even though the philosophy or overall guidelines of the government's economic policy, which the FMLN does not necessarily share, are not part of this agreement, both parties agree on the need to provide some basic guidelines that can lead to the necessary social stability during the transition period so as to consolidate peace and make progress toward the reunification of Salvadoran society.

2. Agrarian Problem

A. As for parcels of land that exceed the constitutional limit of 245 hectares:

The Salvadoran Government will ensure the transfer of rural land that is suitable for farming that has not yet been transferred according to Article 105 and Article 267 of the Constitution.

The government also agrees to be watchful so that the implementation of the constitutional mandate is not violated by the owners of rural land in excess of 245 hectares.

B. As for parcels of land that are government property and that are not currently forest reserves:

The Salvadoran Government will ensure the transfer to the Agrarian Reform beneficiaries, according to what has been established in Article 104 of the Constitution, of rural land that is suitable for farming that is government property and does not constitute forest reserves.

Among the different programs for the transfer of land being implemented by the Salvadoran Government with government farm land, preference will be given to former fighters from both sides who voluntarily request it. They must be of peasant origin with a vocation for farming and they must not hold land title deeds. The size of the plots of land shall be determined according to the aforementioned availability and the number of beneficiaries who qualify according to what has been stipulated in this paragraph.

C. As for parcels of land that have been offered to the government for sale:

Making use of the legal, technical, and financial resources at its disposal, the Salvadoran Government will attempt to purchase and transfer the land that has voluntarily been offered to the government for sale by the owners, by means of the Land Bank. Once such land is purchased, it must be transferred to the Agrarian Reform beneficiaries.

D. As for the beneficiaries of transferred parcels of land as stipulated in the aforementioned paragraphs:

Land that is transferred according to Sections 1, 2, and 3 of the present agreement will be intended to satisfy the need for land of peasants and small farmers who lack it. The land will specifically be legally transferred over to the peasants and small farmers, who are beneficiaries of the Agrarian Reform law.

E. Payment for land:

The transfer of land, as pointed out in the previous paragraphs, will be conducted according to market price and under the same credit conditions granted to the Agrarian Reform beneficiaries. In addition, a payment system may be established based on fixed prices and low, fixed interest rates. Internal credit shall be complemented with financing provided through international cooperation, for which a special fund will be created so that land can be bought with foreign financing.

F. New legislation:

Bearing in mind the dispersed nature of the agrarian legislation, its gaps and contradictions, the parties agree that it should be coordinated and unified in the Agrarian Law. To accomplish this, the government will submit to the Legislative Assembly the relevant bill within a 12-month period following the signing of this agreement. If this commitment is not fulfilled within the period of time established above, COPAZ will assume the task of drafting the relevant bill.

3. Parcels of Lands Within Areas of Conflict

A. Land tenure system within areas of conflict.

According to the New York Agreement, the present state of land tenure within areas of conflict will be maintained, until a satisfactory legal solution to the final land tenure system is reached. Consequently, those holding land will not be evicted until the aforementioned solution is reached and, moreover, will receive financial support to improve farm production.

Taking into account the irregular land tenure system within areas of conflict, the parties agree to:

B. Determination of the "present holders": The term holders is understood to be those currently settled and/or working in those areas.

C. An inventory of the cases that fall under this chapter:

Within 30 days after its signing the agreement, the FMLN will present an inventory of the land and structures affected by this agreement. Prior confirmation that such land and structures comply with the conditions of the agreement, and according to the procedure defined below, the Salvadoran Government will seek a legal and

satisfactory solution to definite land tenure, by way of a voluntary purchase agreement between the legitimate landowner and the current holder.

In those cases when the legal owner does not wish to sell the property, the Salvadoran Government will resettle the small-scale peasants, within the legal mechanisms at its disposal, on available land within the same areas, whenever possible.

D. Creation of a Special Commission:

COPAZ will form a special commission, consisting of representatives of renowned integrity and capability. This special commission, which will be formed within 20 days after the signing of this agreement, will have the following responsibilities and duties:

a. To verify the inventory of the land and structures affected hereby located within the conflict areas. Once verified, the commission will deliver a copy to the Salvadoran Government and COPAZ;

b. To facilitate the resolution of disputes between land holders and the legal landowners;

c. To take whatever steps and actions it deems necessary and convenient to allow for the timely and effective fulfillment of all that has been agreed to under this chapter.

E. Legalization of land tenure:

Excluding exceptionally complex cases, the Salvadoran Government will legalize the land tenure system within areas of conflict conclusively, within six months after the signing of a cease-fire, and will grant individual or collective property deeds, as called for.

F. Payment for land:

The purchase of land from the previous owners will be based on the current market value. The sale to the current holders will be made under the same conditions granted to the beneficiaries of the land reform programs. However, special conditions may be agreed upon to contribute to the pacification process.

G. Verification by COPAZ:

COPAZ will ensure fulfillment of the agreements under 2 and 3.

4. 3 July 1991 Agreement on Lands Takeovers

The agreement on land takeovers, reached between the Salvadoran Government and the peasant associations, will be respected.

With regard to those lands illegally taken over after the agreement, the Salvadoran Government hereby states that it has reserved the right to apply the law to guarantee the existence of the state of law. The FMLN hereby states that it is better to meet land problems, including land takeovers, by way of mutual agreement following the paths and mechanisms set forth by the peace agreements.

5. Credit for the Agricultural Sector and for Micro and Small Enterprises

A. Credit for the sector in general:

The Government of El Salvador will safeguard that the national financial system will have the necessary resources for handling the credit demand of the agricultural sector in general, and particularly for micro-enterprises and small enterprises, small-scale farm production, and cooperatives of reformed and traditional sectors.

Likewise, it will establish the norms for credit of agricultural and industrial production so that they will be granted in due time and so that the amount will be enough to support productive capacity and the marketing of production. Toward this effect, it will facilitate increasing the participation of micro-entrepreneurs and small entrepreneurs in the credit departments of commercial banks.

B. Active participation by the recipients:

The government also accepts the commitment of making feasible and promoting active participation by the recipients, both in designing and in managing special credit programs for these sectors. Toward this effect, it commits itself to strengthening the participation of the organizations' representatives of the aforementioned groups in preparing policies of the Agricultural Guarantees Fund, FIGAPE [expansion unknown], Fedcredito [expansion unknown], and the Agricultural Development Bank, and to make sure that these institutions remain financially solid and become the recipients of foreign resources for the effective channeling of loans for micro-enterprises and small enterprises, small-scale farm production, and cooperatives of reformed and traditional sectors.

C. Technical assistance:

The Government of El Salvador will design and promote new technical assistance programs to encourage greater production from peasants and small farmers, particularly in areas of conflict.

D. International cooperation for the agricultural sector:

In view of the increased demand for agricultural credit that has resulted from the peace accord, the Salvadoran Government commits itself to seeking additional foreign resources for the purpose of including the new needs of this group. Toward that effect, the government will seek additional foreign resources for increasing the operations of the Agricultural Guarantees Fund as a mechanism for expediting the channeling of credits to the small-scale and mid-scale farmers and their cooperatives without affecting the financial soundness of the credit institutions.

6. Measures To Alleviate the Social Cost of Structural Adjustment Programs

A. Consumer protection:

The Salvadoran Government commits itself to adopting policies and creating effective mechanisms intended to defend consumers according to the provisions of the last part of Paragraph 1 of Article 101 of the Constitution. To comply with this constitutional provision, the government commits itself to presenting before the Legislative Assembly within 60 days after this accord is signed a draft law to protect consumers intended to strengthen the Ministry of Economy, which could mark the first step in the direction of the possible creation of a General Office for the Defense of Consumers.

B. Privatization:

The policy of privatization will promote social participation in property, promoting the access of workers to the property in privatized enterprises. Likewise, it will prevent monopolies, while at the same time it will guarantee the freedom of enterprises and the protection of consumers, in line with the provisions of Article 110 of the Constitution.

C. Social Compensation Programs:

The Salvadoran Government will seek to strengthen programs of social compensation being implemented that are intended to alleviate extreme property. Additional foreign resources will be sought for this purpose.

7. Modalities for Direct External Cooperation Intended to Promote Projects for the Assistance and Development of Communities

The Salvadoran Government will facilitate direct private foreign cooperation intended to promote programs to assist and develop communities, provided it is legally channeled and in line with regulations concerning foreign currency and credits. It will also be able to approve direct external cooperation of an official nature, provided information on the recipient of that cooperation has been previously provided.

The government will grant legal and institutional facilities for private channels of direct foreign cooperation for communities, social organizations, and nongovernmental organizations, and it will not discriminate between one or the other as long as it is proven that they will develop or seek to develop projects of overall development. Former fighters from both parties will have access to foreign cooperation funds.

8. Forum for Economic and Social Coordination

A. Objective of the forum:

A forum will be created with the equal participation of government, labor, and business sectors, to secure broad agreements on the country's socioeconomic development for the benefit of all its inhabitants. Coordination will be a sustained effort, in phases, considering that the purpose is to secure agreements to be implemented immediately to achieve stabilization, to attack the socioeconomic problems that will stem from the end of the conflict, and those entailed in reconstruction.

Among other aspects, the government will propose to the forum on socioeconomic coordination the revision of the legal system in labor aspects to promote and maintain a harmonious climate in labor relations, without detriment to the unemployed sectors and the public in general. It will also propose an analysis of the situation of marginal urban and suburban communities with a view toward solving problems that stem from the armed conflict of the past few years. In general, the forum will be a mechanism to secure measures that will alleviate the social cost of the structural adjustment program.

B. The installation of the forum:

COPAZ will convene for the first time the installation of the forum of socioeconomic coordination within one month, at the latest, after the present agreement is signed.

C. Composition and representation of the forum:

The composition and representation of the sectors and the government in the forum will be as follows:

a. The Government of El Salvador will have high-level representation, with decisionmaking capability in social and economic aspects;

b. The organizations that have the largest representation will be called upon to represent the labor and business sectors.

Furthermore, representation as observers will be open to the participation of other social and political sectors under conditions determined by the forum.

D. Attributions of the forum:

To guarantee the effectiveness of the agreements reached by consensus in the forum, the Salvadoran Government commits itself to enacting, modifying, or repealing the decrees or regulations it is authorized to and to present initiatives pertinent to other state organizations.

E. Secretariat of the forum:

The forum will designate a secretariat that will lend it technical support and ensure the continuation of its work.

9. National Reconstruction Plan

The Salvadoran Government will present to the FMLN, within 30 days following the signing of the end of the armed confrontation, the National Reconstruction Plan it has drafted so that the recommendations and suggestions of the FMLN and those of other sectors of the nation will be considered to reflect the collective will of the country.

The plan's principal objectives are the overall development of areas affected by the war, paying attention to the most pressing needs of the people most affected by the war, and the former combatants on both sides, and to the reconstruction of the damaged infrastructure. In particular, in keeping with the respective national programs, measures will be adopted intended to facilitate the reintegration of the FMLN into the country's civil, institutional, and political life, including programs such as scholarships, jobs and pensions, housing programs, and the establishment of enterprises.

The plan will offer special attention to the need for creating opportunities for mass employment and increasing the production of basic foodstuffs, which will have priority on the part of the state. For this purpose, the government will promote the overall development of agriculture, livestock, fishery, forestry, and agro-industrial activities and guarantee basic social services. It will initiate the construction and rehabilitation of the socioeconomic infrastructure. Also, the National Reconstruction Plan will include programs that will benefit both the war wounded and relatives of victims among the civilian population.

Given the large amount of additional resources that will be required to implement the aforementioned plan, both parties will call upon the international community to lend the greatest support possible to this drive. A national reconstruction fund will be created for this purpose by the UN Development Program [UNDP].

The role of the UNDP will include counseling by the government in everything that pertains to mobilizing foreign support, contributing to the preparation of projects and programs that receive such support, expediting arrangements with official organizations of a bilateral and multilateral nature, mobilizing technical assistance, and cooperating with the government in coordinating the plan with nongovernmental organizations dedicated to development activities at the local and regional level.

Chapter VI

Political Participation of the FMLN

The following agreements on the political participation of the FMLN have been reached, and are subject to the scheduling contained in this same accord.

1. To adopt legislative measures or others that may be necessary to guarantee the former FMLN fighters the full exercise of their civilian and political rights as they rejoin, within the framework of full legality, the country's civilian, political, and institutional life.

2. Freedom for all those arrested for political reasons.

3. Broad security guarantees for the return of those who are in exile, the disabled, and other persons outside the country as a result of the armed conflict.

4. To authorize licenses for the FMLN's social communications media.

5. An end to the armed confrontation implies a commitment and the right of the FMLN for full political participation with no restrictions other than those established by the institutional and juridical framework established by the negotiations accords.

6. The FMLN's legalization as a political party, promoting the approval of a legislative decree to that effect.

7. Guarantee the space for the FMLN's normal development once it becomes a political party, which implies:

a) Carrying out propaganda activities.

b) Right to have the appropriate infrastructure (offices, printing facilities, etc.) installed.

c) FMLN leaders, activists, and members will enjoy free exercise of the right to meet and mobilize.

d) Grant the FMLN the liberty to publish paid advertisements in the media.

8. Legal solution to the participation of FMLN members in COPAZ, once it has formally come into being.

9. Special security measures:

Immediately after the signing of this agreement, special security measures will be adopted to protect those FMLN leaders who require protection. Such measures, which could include the accompaniment of diplomatic personnel and the technical support of friendly governments, will offer all facilities required so that FMLN leaders can organize their own security, in keeping with the law. COPAZ will supervise this agreement and it will promote, if necessary, the adoption of legislative or other kind of measures pertaining to the effectiveness of said security measures. In correspondence to its responsibility for the security of FMLN leaders, the Government of El Salvador will provide the necessary facilities to fulfill the aforementioned agreement. ONUSAL will verify the adoption of the aforementioned measures.

Chapter VII

End of the Armed Confrontation

1. The end of the armed confrontation (henceforth called CEA) is an irreversible, short, and dynamic process with a preset duration that must be implemented all over the national territory of El Salvador. During the CEA, there will be substantive negotiations, but only discussions on the measures necessary to put into practice the agreements reached during the negotiations.

2. The CEA is to begin on 1 February 1992 (henceforth known as D-Day) and is to culminate on 31 October 1992.

3. It covers four elements, as they are defined in this agreement:

a) Cease-fire;

b) Separation of force;

c) End of the FMLN's military structure and the reincorporation of its members, within a fully legal framework, into the country's civilian, political, and institutional mainstream.

d) UN verification of all the activities mentioned above.

Cease-fire

4. The cease-fire will officially enter into force on D-Day.

5. Starting on that date, each of the sides, as it applies to them, are to refrain from carrying out any operation or hostile act by the forces or individuals under their control. They may not conduct any kind of attack by land, sea, or air; conduct patrols or offensive maneuvers; place mines; interfere with military communications; conduct any kind of reconnaissance operations, acts of sabotage, or other military activity that in the opinion of the ONUSAL may distress the cease-fire; or carry out any other actions that do not respect the human rights of civilians.

6. Verification of compliance with the commitment described in the previous paragraph is to begin officially on D-Day. ONUSAL will investigate any alleged violation of the cease-fire.

7. During the period between the signing of this agreement and D-day, the two parties will observe an informal cease-fire by means of which they pledge not to conduct any of the activities described in Paragraph 5.

8. During the informal cease-fire period, ONUSAL is to deploy its personnel and equipment to be able to verify all the CEA aspects starting on D-day.

Separation of Forces

9. The purpose of the separation of forces is to reduce the risks of accidents, strengthen trust, and allow ONUSAL to verify compliance by the two sides with this agreement.

10. The separation of forces will be established in two phases, so that the Salvadoran Armed Forces (FAES) can progressively withdraw from its current positions until they adopt the position that they will normally maintain in time of peace; and so that the FMLN forces can progressively gather in places mentioned within the strife-torn areas, as determined by Annex D.

11. During the first phase, which will coincide with five days following the start of D-day, the FAES land forces will move to their existing locations listed in Annex A; and the FMLN forces, except for the fighters mentioned in paragraph 18, will move to the places listed in Annex B. The places listed in Annexes A and B reflect in a general manner the current withdrawal of the forces of the two sides.

12. The movements described in the previous paragraph will be conducted under ONUSAL supervision. None of the sides will do anything to hamper or jeopardize the movement of the forces of the other side during this period. The ONUSAL military observers are to supervise closely all the places listed in Annexes A and B and are to be present in principle 24 hours a day in each of these places starting on D-day.

13. During the period between the D-Day plus six and D-Day plus 30, the FAES ground forces will retreat to the positions it would maintain in times of peace, and which are listed in Annex C and the FMLN forces, except for combatants mentioned in Paragraph 18, will retreat to the areas mentioned in Annex D. The precise locations will be determined by the head of ONUSAL after consulting both sides during the informal cease-fire period.

14. The movements described in the previous paragraph, which will also be supervised by ONUSAL, will be carried out based on a plan divided into phases to be agreed between the head of ONUSAL and the parties during the informal cease-fire period, through the joint working group mentioned in Paragraph 32. While performing this task, the group will proceed according to the agreed schedule for the implementation of the agreements.

15. As soon as possible after the signing of this agreement, and no later than two weeks before D-Day, the FAES will give the head of ONUSAL a detailed report on the number of its troops and weapons to be concentrated in the areas mentioned in Annex A.

16. As soon as possible after the signing of this agreement, and no later than two weeks before D-Day, the FMLN will give the head of ONUSAL a detailed report on the number of its troops; an inventory of its weapons, ammunition, mines, other explosives and military equipment it has throughout the national territory; and its plans for concentrating them in the areas listed in Annex B.

17. After completing the first phase for the separation of forces, in other words D-Day plus 6, ONUSAL will verify that all the troops and military equipment declared by each side are concentrated in the areas mentioned in Annexes A and B. ONUSAL will investigate any report or complaint about the presence of military personnel or equipment in any area outside those mentioned, except for the departures stipulated in Paragraphs 20-22.

18. The aforementioned arrangements are related to the FAES ground forces and the FMLN forces defined in Paragraph 11. Although for practical reasons, it is not possible to arrange a similar separation of clandestine forces, those forces will be fully committed to refraining from conducting any operation or hostile act. As stipulated in Paragraph 6, ONUSAL will investigate any alleged violation of this commitment.

19. Effective on D-Day, the FAES air and naval forces will refrain from conducting any offensive operation. Those forces will only carry out nonmilitary operations necessary to fulfill duties not related to the armed conflict. ONUSAL will be notified in advance of all military flight plans. Those flights will not be over the areas in which FMLN forces are concentrated.

20. During the CEA period, ONUSAL liaison officers will be at the FAES units, bases, and garrisons to coordinate beforehand the deployment of its forces throughout the national territory and to verify that such deployments do not violate the cease-fire and do not in any way negatively affect the process for the implementation of this agreement.

21. Specifically in regard to forces deployed close to the areas in which the FMLN forces are concentrated, in other words, areas listed in Appendix 1 of Annex A and those listed in Appendix 1 of Annex C, the government agrees that those forces will only leave their locations with prior consent from ONUSAL, and for the following reasons:

a) To carry out rotations and relieve troops;

b) To carry out liaison and coordination activities between commands at levels no lower than battalions;

c) To obtain provisions and logistical supplies;

d) To participate in programs of deactivation, removal, or elimination of mines; and

e) While on leave, to receive medical attention, or for other humanitarian reasons, individually, in civilian clothes, and unarmed.

However, ONUSAL will not approve any leave, including in the cases already mentioned, if it believes that such leave could endanger the cease-fire or other aspects of this agreement or that it could disrupt the detente and reconciliation process. The forces who leave the area to carry out activities established in Articles a), b), c), and d), will be accompanied by ONUSAL officials who will verify that their movements take place in line with what is established in this agreement.

22. Likewise, during the CEA period, there will be ONUSAL liaison officials at the sites where FMLN forces will be concentrated so that these ONUSAL officials may coordinate the FMLN pullout. The FMLN accepts that its forces can only leave these sites with the consent of ONUSAL and for the following reasons:

a) To carry out liaison and coordination activities between the FMLN High Command and the commanders of the forces stationed in the already mentioned places;

b) To deliver food supplies, clothes, and other survival material;

c) To participate in the defusing, removal, and elimination of mines; and

d) To enjoy leave, receive medical attention, or for other humanitarian reasons. This must be done individually, in civilian clothes, and unarmed.

However, ONUSAL will not approve any leave, including the cases already mentioned, if it believes that such leave could endanger the cease-fire or other aspects of this agreement or that if it could disrupt the detente and reconciliation process. The forces who leave the area to carry out activities established in Articles a), b), and c), will be accompanied by ONUSAL officials who will verify that their movements take place in line with what is established in this agreement.

23. ONUSAL will verify that the supplies delivered to either side do not include lethal articles. However, FAES will be allowed to maintain a normal peace-time ammunition level. The mechanisms for such verification will be established by the chief of the ONUSAL military observers in consultation with the two sides.

24. During the cease-fire, COPAZ will systematically evaluate the implementation of the agreements. If it notices that a situation that could lead to a crisis is emerging, it will announce its conclusions and make pertinent recommendations to avoid a break in the cease-fire or any other public order crisis. It will inform the ONUSAL chief of its conclusions and recommendations.

25. If in spite of this, a public order crisis emerges, normal procedures for maintaining domestic peace and public security fail, and the president of the Republic decides that it is necessary to implement the special recourse that Numeral 12 of Article 168 of the Constitution established following the constitutional reform of April 1991, then, before issuing the corresponding order, the president will establish communication with the ONUSAL chief to make it possible for him to make pertinent recommendations. The behavior of the FAES under these circumstances will be closely watched by ONUSAL to verify that this behavior is congruent with all the peace agreements.

The Termination of the FMLN's Military Structure and the Reincorporation of its Members into the Country's Civilian, Political, and Institutional Life in a Fully Legal Framework.

26. Between D-Day plus 6 and D-Day plus 30, in accordance with phase programs referred to in Paragraph 14, the FMLN will concentrate all of its weapons, ammunition, mines, and other explosives and military equipment at the 15 designated sites, as listed in Annex D, to include materiel concentrated at the sites listed in Annex B during the first phase and that of its clandestine forces. ONUSAL will verify that such materiel coincides with the information in the inventory reports received in compliance with Paragraph 16.

27. All the aforementioned weapons and equipment at each of the designated sites, except the individual weapons and equipment carried by the combatants at said sites, will be stored in depots under lock and key. Each depot will have two locks; ONUSAL will hold one key and the FMLN commander at the site will hold the other. ONUSAL will periodically verify the contents of such depots, to certify that no changes have been made.

28. During the CEA period, FMLN members will keep their individual weapons and equipment as long as they remain at the designated sites. They will place their individual weapons in the aforementioned locked depots when they leave said sites to reenter the civilian, political, and institutional life of the country within a totally legitimate framework. Those combatants still remaining at the designated sites when the weapon destruction program begins, as described in the following paragraph, will place their weapons in the closed depots to be verified by ONUSAL, immediately before the destruction program begins, in accordance with the agreement with ONUSAL.

29. Between 15 and 31 October 1992, the FMLN will destroy all the weapons and equipment stored at the designated sites, following the aforementioned agreement, in the presence of and under the sole supervision and advice of ONUSAL. Such destruction will be done simultaneously in all 15 sites, designated by the FMLN, and the FMLN will dispose of the remainder of the destroyed weapons.

United Nations Verification

30. ONUSAL will increase its military and civilian personnel to allow it to conduct the tasks related to the agreements, as described herein.

31. The secretary general will request approval by the Security Council for this increase in ONUSAL's authority and personnel. He will also request the necessary funds. The UN Security Council, based on recommendations made by the secretary general, will decide what nationalities will form the ONUSAL military component and appoint a commander for the military division, after consulting with both parties. ONUSAL will need full freedom of movement throughout Salvadoran territory to fulfill its new responsibilities.

32. To facilitate the implementation of this agreement, a Joint Working Group (GCT) [Grupo Conjunto de Trabajo] will be formed immediately after it is signed. The GCT will include the ONUSAL chief military observers, who will preside over it, and one representative of each of the parties. The GCT members may be accompanied by whatever advisers are required. The president of the GCT will convene the group at his own discretion or upon request by one or both parties.

Annex A

Places where the ESAF will be concentrated prior to D-Day plus five.

A. Ahuachapan

1. Llano Espin, Agua Chica and Geotermica Ausoles Coffee Mill, and San Luis Farm
2. Molino Coffee Mill, Santa Rita Coffee Mill, the Apaneca Repeating Station, Suncacate Bridge, Alta Cresta Farm
3. Military Detachment No. 7 (DM-7)

B. Sonsonate

4. Acajutla Industrial Complex, Kilometer 5 Hacienda Bridge, Rio Bandera Bridge
5. Military Detachment No. 6 (DM-6)

C. Santa Ana

6. Tazumal Coffee Mill, Venecia Coffee Mill, La Mia Coffee Mill, and Singuil Hill
7. San Luis Uno and San Luis Dos Plants [Planta]
8. El Rodeo.
9. Plan El Tablon country-house
10. El Zacatio
11. Santa Rosa Huachipilin
12. Banderas
13. El Zacamil Hill
14. Second Brigade

D. Chalatenango

15. El Encumbrado Canton and Village
16. Potrero Sula Canton and Village
17. El Carrizal Canton and Village
18. San Rafael
19. La Laguna
20. Concepcion Quezaltepeque
21. Potonico
22. Fourth Infantry Brigade
23. Military Detachment No. 1 (DM No. 1)
24. El Refugio Base

E. La Libertad

25. San Lorenzo Dam, Rio Claro Coffee Mill, and Atapasco Coffee Mill
26. San Juan de los Planes
27. Las Granadillas Canton and Village
28. ESTRANFA [expansion unknown] (Escalon de Transportes)
29. Artillery Brigade
30. BIRI Atlacatl
31. Calvary Regiment
32. Huizucar

F. San Salvador

33. Bernal-El Carmen
34. Mecafe Coffee Mill
35. Calle Nueva Canton and Village

36. First Infantry Brigade
37. ESAF headquarters
38. CITFA [Armed Forces Telecommunications Training Center]
39. Military School
40. CALFA [expansion unknown]
41. BIRI Belloso
42. Paratroopers Battalion (Ilopango)
43. National Navy Command Station

G. Cuscatlan

44. San Rafael-El Terrero
45. Oratorio Concepcion
46. Rosario-El Tablon
47. Military Detachment No. 5 (DM-5)
48. El Roblar Military Base

H. La Paz

49. San Pedro Nonualco
50. Guadalupe
51. IRA [Institute of Supply Regulation] Stock Center
52. Steel Plant, Copal [Salvadoran Cotton Cooperative, LTD.], and the ANDA [National Administration of Waterworks and Sewers] Plant
53. El Nilo.
54. El Rosario.
55. Engineers Military Detachment
56. BIRI Bracamonte

I. Cabanas

57. Ilobasco
58. Tejutepeque
59. Guayabito
60. Pelon Hill
61. Military Detachament No. 2 (DM-2)

J. San Vicente

62. San Felipe
63. Tecoluca
64. 5th Infantry Brigade

K. Usulutan

65. Los Cantaritos
66. Coffee Mills Marquez, Lourdes, Oromantique, and Venecia
67. El Triunfo
68. El Volcan Canton and Village
69. San Jorge
70. La Placita
71. Jucuaran
72. Salvadoran National Railroads Base
73. Jiquilisco
74. 6th Infrantry Brigade
75. BIRI Atonal

L. San Miguel

76. San Gerardo
77. San Luis de la Reina
78. Carolina
79. Ciudad Barrios
80. Chapeltique
81. Concepcion Corozal
82. El Nino Canton
83. Chirilagua
84. Comacaran
85. 3d Infantry Brigade
86. BIRI Arce

M. Morazan

87. Gualacocti
88. Osicala
89. Cacaotera
90. Las Flores
91. Sensembra
92. San Carlos
93. Sesori
94. Military Detachment No. 4 (DM-4)

N. La Union

95. Yucuaiquin
96. Santa Rosa de Lima
97. Lislique
98. Poloros
99. Military Detachment No. 3 (DM-3)
100. Armed Forces Military Training Center

Observations:

The exact locations will be determined during the informal cease-fire period.

The protection of nonmilitary installations of national interest will be undertaken by ESAF with the minimum of troops necessary.

Efforts will be made to progressively transfer the responsibility to protect these installations to the new PNC, as it becomes capable of assuming these functions.

Appendix 1 to Annex A

List of military installations, bases, garrisons, and positions of the ESAF, the personnel of which must be authorized by ONUSAL to leave those designated areas:

A. Santa Ana

1. El Rodeo

B. Chalatenango

2. El Encumbrado Canton and Hamlet
3. El Carrizal Canton and Hamlet
4. San Rafael
5. La Laguna
6. Concepcion Quezaltepeque
7. Potonico
8. 4th Infantry Brigade headquarters
9. 1st Military Detachment headquarters

C. La Libertad

10. Las Granadillas Canton and Hamlet
11. Huizucar

D. San Salvador

12. The area of the Mecafe Coffee Mill, Angel Sugar Mill, and Sebastian Nejapa
13. Calle Nueva Canton and Hamlet

E. Cuscatlan

14. San Rafael-El Terreno
15. Oratorio Concepcion
16. Rosario-El Tablon
17. 5th Military Detachment headquarters
18. El Roblar Military Base

F. La Paz

19. San Pedro Nonualco
20. Guadalupe
21. IRA Storage Center
22. Steel Factory, Copal, and ANDA Plant
23. El Nilo
24. Engineers' Military Detachment
25. BIRI Bracamonte headquarters

G. Cabanas

26. Ilobasco
27. Tejutepeque
28. Guayabito
29. Cerro Pelon
30. 2d Military Detachment headquarters

H. San Vicente

31. San Felipe
32. Tecoluca
33. 5th Infantry Brigade headquarters

I. Usulutan

34. Los Cantaritos
35. Marquez, Lourdes, Oromontique, and Venecia coffee mills
36. El Triunfo
37. El Volcan Canton and Hamlet
38. San Jorge
39. La Planta
40. Jucuaran
41. Salvadoran National Railroads Base
42. 4th Infantry Brigade headquarters
43. BIRI Atonal headquarters

J. San Miguel

44. San Gerardo
45. San Luis De La Reina
46. Carolina
47. Ciudad Barrios
48. Chapeltique
49. Concepcion Corozal

K. Morazan

50. Gualococti
51. Osicala
52. Cacaopera
53. Las Flores
54. Sensembra
55. Sesori
56. 4th Military Detachment headquarters

L. La Union

57. Santa Rosa De Lima

Annex B

Places where FMLN forces will concentrate before D-Day plus five.

A. Santa Ana

1. Los Mendez

B. La Libertad

2. San Sebastian

C. San Salvador

3. Jicaron
4. Los Mazariego
5. Volcano (El Cerrito) (San Francisco and La Presa Farm)

D. Cuscatlan

6. Aguacayo, Milinco
7. Libano
8. La Cruz (Piedra Labrada, Santa Ines)
9. Tenancingo

E. Cabanas

10. Cinquera
11. Jutiapa
12. El Carrasco
13. Las Huertas
14. Santa Marta

F. Chalatenango

15. La Reyna
16. San Antonio Los Ranchos (El Gramal)
17. Las Flores
18. San Francisco Morazan
19. Santa Rosa
20. La Palma
21. Las Vueltas
22. Nueva Trinidad
23. Dulce Nombre de Maria

G. San Vicente

24. Santa Rosa (Tortuguero)
25. La Laguna (Apastepeque)
26. El Tablon

27. Socorron-Ojushte (Tecoluca)
28. San Carlos-Pacun

H. La Paz

29. El Carmen (Zacatecoluca)-southern slope of the Chinchontepec Volcano
30. Zacatecoluca Costa-La Isleta

I. Usulutan

31. Nueva Granada (Loma Grande-Carrizal)
32. Los Horcones (FMLN)
33. Judas Canton (Jiquilisco)
34. Amaton Canton (Jucuapa)
35. Chilamate Canton (Jucuapa)
36. California-San Pedro Arenales-Las Marias
37. Santa Cruz (Berlin)
38. Moropala (Jucuaran)

J. San Miguel

39. San Francisco-Lolotique
40. Hacienda Sierra Morena (San Gerardo)
41. Hacienda Cuscatalen (Sesori)

K. Morazan

42. Southern area of Guatajiagua
43. Torola
44. Perquin
45. Joateca
46. Jocoaitique
47. La Estancia
48. El Tablon (Sociedad)
49. Isletas-Los Castillos (Yamabal)

L. La Union

50. El Copetillo (Santa Rosa de Lima)

Observations:

The exact locations will be decided during the informal cease-fire period.

Annex C

Places where members of the ESAF will gather as of D-Day plus six.

A. Peacetime Installations

1. Military Detachment Number 4 headquarters
2. Military Detachment Number 3 headquarters
3. 3d Infantry Brigade headquarters
4. BIRI Atonal headquarters
5. 6th Infantry Brigade headquarters
6. BIRI Atonal headquarters [Repeat of point 4]
7. DMIFA [Armed Forces Engineers Military Detachment headquarters]
8. Military Detachment Number 2 headquarters
9. Military Detachment Number 1 headquarters
10. Military Detachment Number 5 headquarters
11. BIRI Bracamonte headquarters
12. BIRI Belloso headquarters
13. 4th Infantry Brigade headquarters
14. El Roblar military base
15. EASF headquarters in San Salvador
16. CITFA headquarters in San Salvador
17. 1st Infantry Brigade headquarters
18. Captain General Gerardo Barrios Military School in San Salvador
19. Paratroopers Battalion (Ilopango)
20. Logistics Support Command (general stores and military industries) in San Salvador
21. Cavalry Regiment headquarters in Sitio del Nino
22. BIRI Atlacatl headquarters in Sitio del Nino
23. Artillery Brigade headquarters in San Juan Opico
24. 2d Infantry Brigade headquarters
25. Military Detachment Number 6 headquarters
26. Military Detachment Number 7 headquarters
27. 5th Infantry Brigade headquarters
28. Armed Forces transportation echelon
29. Air Force Military Training Center
30. Ilopango Air Force Base
31. Comalapa Air Force Base
32. National Navy Command in San Salvador
33. La Union Naval Base
34. Puerto El Triunfo
35. Acajutla Naval Base
36. La Libertad Naval Base
37. La Herradura Naval Post
38. El Cuco Naval Post
39. El Tamarindo Naval Post

B. Military and Civilian National Interest Installations

40. El Picacho relay station
41. La Torrecilla relay station in La Union
42. Conchagua relay station
43. Cerro del Aguacate relay station in Morazan
44. Cacahuatique relay station in Morazan
45. El Pacayal relay station in Usulutan
46. Las Delicias relay station in San Vicente
47. El Faro relay station in Santa Ana
48. 15 September Dam
49. 5 November Dam
50. Cerron Grande Dam
51. El Guajoyo plant in Santa Ana
52. Ausoles Geothermal Plant in Ahuachapan
53. La Laguna Military Base in Chalatenango
54. Las Pavas relay station
55. Los Naranjos relay station
56. Loma Larga relay station
57. Santa Rosa de Lima Military Base
58. Ciudad Barrios Military Base
59. Victoria Military Base
60. Apaneca relay station
61. El Refugio Military Base
62. Acajutla Petroleum Refinery

C. Observations

1. Surveillance of nonmilitary installations of national interest is established because of their strategic value

from the economic and military standpoint. Personnel assigned to this surveillance will always be the essential minimum.

2. An attempt will be made to gradually transfer surveillance duties to the new PNC, as soon as this organization becomes capable of handling these functions at the pertinent installations.

3. The relay stations will have military technical and surveillance personnel, keeping the personnel assigned to the latter task to the essential minimum. During the informal cease-fire, the chief of the ONUSAL military observers, in consultation with the government, will establish the maximum limit of troops stationed at each of the relay stations for the reasons cited. A similar limit will be established for the El Roblar Military Base.

4. The Salvadoran Government will not gather troops or build military installations at the naval posts mentioned in points, 37, 38, and 39.

5. The list of peacetime installations does not take into consideration the possible outcome of the implementation of the agreement pertaining to the Armed Forces.

6. The justification for the continued existence in times of peace of certain military bases is border protection, for which the pertinent arrangements will be made. Peacetime installations, the occupation of which during the CEA might generate unrest, will not be occupied. Toward this effect, the chief of the ONUSAL military observers, in consultation with the sides, will establish which peacetime installations should not be occupied during the CEA period.

Appendix 1 to Annex C

List of military installations ESAF members may leave only with ONUSAL consent.

A. Peacetime Installations

1. Headquarters of Military Detachment Number 4
2. Headquarters of the 6th Infantry Brigade
3. Headquarters of BIRI Atonal
4. DMIFA
5. Headquarters of Military Detachment No. 2
7. Headquarters of Military Detachment No. 1
8. El Roblar Military Base
9. Headquarters of the 5th Infantry Brigade
10. 3d Infantry Brigade
11. BIRI Arce
12. BIRI Belloso
13. BIRI Bracamonte
14. BIRI Atlacatl
15. Paratroopers Battalion

B. Military and Civilian Installations of National Interest

16. Cerro del Aguacate relay station in Morazan
17. Cacahuatique relay station in Morazan
18. El Pacayal relay station in Morazan
19. Las Delicias relay station in San Vicente
20. 15 September Dam
21. 5 November Dam
22. Cerron Grande Dam
23. La Laguna Military Base in Chalatenango
24. Ciudad Barrios Military Base
25. Victoria Military Base
26. El Refugio Military Base

Annex D

Specified sites where FMLN forces will concentrate beginning on D-Day plus six.

1. Area of La Reyna, Chalatenango
2. Area of Dulce Nombre de Maria, Chalatenango
3. Area of San Antonio Los Ranchos, Chalatenango
4. Area of El Paisnal, San Salvador
5. Area of Cerro de Guazapa, Cuscatlan
6. Area of El Zapote de Tejutepeque, Cabanas
7. Area of Santa Marta, Cabanas
8. Area of Santa Clara, San Vicente
9. Area of Tecoluca, San Vicente
10. Area of El Carmen Canton (south of the Chichontepec Volcano), La Paz
11. Area of San Agustin-San Francisco Javier, Usulutan
12. Area of La Pena, Las Marias, and Jocote Dulce, Usulutan
13. Area of Perquin and Jocoaitique, Morazan
14. Area of Isletas, Los Castillos (Yamabal), Morazan
15. Area between Sesori and Nueva Granada, San Miguel/Usulutan

Annex E

Restoration of Public Administration in Areas of Conflict

Once the cease-fire goes into effect, public administration will be gradually restored in the areas of conflict, according to the following precepts:

A. The entire range of public services (such as water, power, telecommunications, and roads), as well as other services provided by the state in areas such as agriculture, education, and health will be restored as soon as possible.

B. Mayors who have been exercising their functions in an itinerant fashion because of the armed conflict will establish their residence in the appropriate municipalities as soon as possible, in close consultation with ONUSAL, to reinforce the process of detente and reconciliation.

C. The administration of justice will be adapted to the purposes of the present agreement, particularly as regards the process of peace and reconciliation. In keeping with this:

a. The administration of justice will be reestablished as soon as possible, in close consultation with ONUSAL, to reinforce the process of detente and reconciliation.

b. The government will take the necessary measures to ensure that the reestablishment of the administration of justice does not undermine the effectiveness of legislative or other measures adopted within the framework of this agreement and within the process of peace and reconciliation to guarantee to FMLN members the full exercise of their civil and political rights.

D. The reestablishment of public administration will not diminish the existence or functioning of nongovernmental cultural, economic, or social organizations established in the areas of conflict. Within the process of peace and reconciliation, appropriate channels will be maintained between those organizations and the corresponding authorities, with ONUSAL support.

Annex F

Use of the Media To Further Reconciliation

To contribute to the process of detente and reconciliation:

A. The government will not jam FMLN radio stations after the present agreement is signed.

B. Both parties pledge that as of D-Day, they will:

a. Promote, through the various communications media at their disposal, a national publicity campaign in favor of the reunification and reconciliation of Salvadoran society.

b. Refrain from any political news propaganda inconsistent with the present agreement or with the process of detente and reconciliation.

C. COPAZ will supervise the agreements made here and will forward to the parties any recommendations it deems pertinent. It may also make suggestions for the participation of the various civilian sectors, particularly the media, in the national reconciliation campaign.

D. ONUSAL will verify compliance with these commitments.

Chapter VIII

Verification by the United Nations

1. The United Nations will verify the fulfillment of the present agreement, as well as the San Jose, Mexico, and New York Agreements of 26 July 1990, 27 April 1991, and 25 September 1991, respectively, with the cooperation of the parties and the authorities responsible for their implementation.

2. The international cooperation to which the present agreement refers to wiill be coordinated by the United Nations and will be subject to the formal request by the Salvadoran Government upon completion of the official formalities and the appropriate consultations.

Chapter IX

Implementation Schedule

1. COPAZ

1.1 Presentation of the law that formalizes it to the Legislative Assembly; no later than Day A+8 [Day A refers to 16 January, when agreements were signed in Mexico City].
1.2 Installation: D-Day

2. Armed Forces

2.1 Ratification of the constitutional reform.
2.1.1 Ratification by the Legislative Assembly: between Days A and D.
2.1.2 Publication; no later than D+15.

2.2 Education System

2.2.1 Establishment of the number of members and presentation by COPAZ of a list of three names for the appointment of the civilian members of the Academic Council of the military school: D+90.

2.2.2 Appointment of the Academic Council of the military school: no later than D+100.

2.2.3 Appointment of the academic body: between D+120 and D+180.

2.2.4 Reforms to the educational system: no later than D+210.

2.2.5 Establishment of the admissions system by the Academic Council: no later than D+210.

2.3 Purge

2.3.1 Issuance of the agreement that will legally shape and formalize the ad hoc commission: A+5.

2.3.2 Installation of the ad hoc commission: D+105

2.3.3 Result of the evaluation: D+195

2.3.4 Corresponding administrative decisions: D+255.

2.3.5 Implementation: D+255

2.4 Reduction

The Salvadoran Government presents to the UN secretary general the schedule for the implementation of the reduction plan referred to in point 4 of Chapter I of the present agreement. The secretary general disclosed the schedule to the FMLN. The United Nations verified the fulfillment of that schedule.

2.5 Public security corps: Elimination of the Treasury Police and National Guard as Public Security Corps and the transfer of their members to the Army: D+30.

2.6 State Intelligence

2.6.1 Dissolution of the National Intelligence Directorate [DNI]: no later than D+135.

2.6.2 Creation of the State Intelligence Body: no later than D+30.

2.6.3 Appointment of the director: no later than D+45

2.6.4 Beginning of the evaluation of DNI personnel: D+60.

2.7 BIRI

The segment of the schedule concerning the implementation of the reduction plan mentioned in paragraph 2.4 of this same chapter states, with regard to the BIRI's: The BIRI's will start demobilizing in the third week of the sixth month, for a period of four weeks. Once the demobilization has begun, a battalion will be considered as having lost its offensive combat capabilities.

The BIRIs will be demobilized in the following order:

Month 6: BIRI General Ramon Belloso

Month 7: BIRI Atonal

Month 8: BIRI Atlacatl

Month 9: BIRI General Eusebio Bracamonte

Month 10: BIRI General Jose Manuel Arce

2.8 Paramilitary entities

2.8.1 Civil Defense

2.8.1.1 Registration and location: no later than D+60.

2.8.1.2 Disarmament: no later than D+120.

2.8.1.3 Total dissolution: no later than D+150.

2.8.2 Armed Forces Reserve System:

2.8.2.1 Presentation to the Legislative Assembly of the draft of the Armed Forces military service and reserves law: no later than D+60.

2.8.2.2 Proclamation of the law referent to the new Armed Forces military service and reserves system: no later than D+90.

2.8.2.3 Substitution of the territorial service for a new Armed Forces reserves system: no later than D+120.

2.8.3 Private security bodies:

Presentation to the Legislative Assembly of the draft of the law: no later than D+45.

2.9 Suspension of Conscription

2.9.1 Implementation of the suspension: D-Day.

2.9.2 Broad dissemination through all the media, particularly the radio stations, starting on D-Day.

2.9.3 Presentation of the draft military service and Armed Forces reserve law at the Legislative Assembly: no later than D+60.

2.9.4 Promulgation of the law: D+90.

2.10 Preventive and Supportive Measures

2.10.1 Organization of the Armed Forces Inspector General's office: Between Day A and D+90.

2.10.2 Presentation of the draft law on the illegal acquisition of riches to the Legislative Assembly: D+90.

2.10.3 Suspension of the issuance of permits to private citizens for the possession of weapons which are exclusively used by the Armed Forces: Day A.

2.10.4 Cancellation of permits issued to private citizens for the possession of weapons which are exclusively used by the Armed Forces: no later than D+30.

2.10.5 Gathering of these weapons: Between D+30 and D+270.

2.10.6 Dissemination of the Armed Forces' doctrine: Effective D+30.

2.10.7 Adaptation of the legislation on the Armed Forces: Between D and D+270.

3. PNC

3.1 Presentation of the draft PNC organization law to the Legislative Assembly: D+20.

3.2 Presentation of the draft organization law of the National Public Security Academy: Between Days A and D.

3.3 Appointment of the coordinator: Before D-Day.

3.4 Presentation, by COPAZ of the list for the appointment of the PNC Director General: no later than D+20.

3.5 Appointment of the PNC Director General: No later than D+30.

3.6 Presentation, by COPAZ, of the list for the appointment of the National Public Security Academy director general: D+5.

3.7 Definition of the number of members and presentation, by COPAZ, of the lists for the appointment of the National Public Security Academy's academic council: D+5.

3.8 Appointment of the National Public Security Academy's director and academic council members: D+15.

3.9 Appointment of the COPAZ subcommission for the PNC: No later than D-Day.

3.10 Preparation of the propaganda campaign for recruitment: No later than D+10.

3.11 Beginning of the propaganda campaign for recruitment: No later than D+15.

3.12 Preparation of the aptitute test for former National Police [PN] members and former FMLN fighters: No later than D+30.

3.13 Organization of short courses for this test: No later than D+45.

3.14 Evaluation of former PN members: Starting on D+30 and throughout the transition.

3.15 Aptitude and fitness test: No later than D+80.

3.16 Implementation of admission system at National Public Security Academy: No later than D+60.

3.17 Creation of qualifying juries: No later than D+90.

3.18 Admission of the first contingent: No later than D+90.

3.19 Beginning of the National Public Security Academy courses: No later than D+90 (see footnote 4).

Footnote 4: The two parties recognize that this is an ambitious goal in which their political will is pledged, but its achievement depends on whether or not all the national and international factors involved will operate optimally, which cannot be guaranteed in this method.

3.20 Creation of all the PNC's functional structure: D+240.

3.21 Abolishment of structures that are incompatible with the PNC's finance division: D+240.

3.22 Beginning of the PNC's territorial deployment: No later than D+270.

3.23 End of the PNC's territorial deployment: 21 months after the territorial deployment begins.

3.24 End of the PNC's transitory period and PN's functions: two years after the territorial deployment begins.

3.25 Expiration of the billeting possibility: 31-12-93.

4. Judicial System

4.1 Judicature Council

4.1.1 Presenting the draft resolution of law reforms to the Legislative Assembly: no later than D+60.

4.1.2 Approval of the new law: D+90.

4.1.3 Election and installation: no later than the day the new law is sanctioned plus 90.

4.2 Legal training school: no later than the installation date of CNJ plus 180.

4.3 Preparing list of CSJ candidates: April 1994.

4.4 Judicial career: Presenting before the Legislative Assembly the legal reform draft resolution: no later than D+90.

4.5 Military Jurisdiction: Presenting before the Legislative Assembly the legal reform draft resolution: no later than D+90.

4.6 National Ombudsman's Office for Human Rights Defense. [Procuraduria Nacional para la Defensa de los Derechos Humanos]:

4.6.1 To present before the Legislative Assembly an organization law draft resolution: no later than D+60.

4.6.2 Appointment of Ombudsman: no later than D+30.

5. Electoral System

5.1 Appointment of the Supreme Electoral Tribunal: no later than D+15.

5.2 Appointment by COPAZ of the Special Commission: no later than D+15.

5.3 Legal Reform: no later than D+120.

5.4 Full right of legally registered parties to oversee the preparation, organization, publication, and update of the electoral registry: at the latest one year after the elections.

5.5 Publishing the list of voters: at least 20 days prior to elections.

6. Social Economic Issue

6.1 FMLN to present an inventory of the land plots or houses affected within areas of conflict: A+30.

6.2 Appointment by COPAZ of a special commission: no later than A+20.

6.3 Legalization of land holdings within areas of conflict: no later than A+180.

6.4 Presenting before the Legislative Assembly a draft resolution on consumer protection: no later than A+60.

6.5 COPAZ to summon the Social Economic Forum: no later than A+30.

6.6 Special Operations Group to present the FMLN a Reconstruction Plan: no later than A+30.

6.7 Creating the Reconstruction Fund: no later than D+60.

6.8 Begin complying with credit agreements for agricultural and cattle-raising sectors and for micro and small business: from D+120.

6.9 Begin transfer of land that exceeds 245 hectares: from D-Day.

6.10 Begin land requests to the government by former fighters from both sides: D+60.

6.11 Begin preferential transfer of land by the government to former fighters from both sides who have requested it and who are of peasant origin with a vocation for agriculture and who do not own any land deeds: D+90.

6.12 Presenting before the Legislative Assembly an agrarian law draft resolution: no later than A+12 months.

6.13 Implementing privatization and social compensation agreements: starting from A.

6.14 Implementing agreements on foreign cooperation: beginning D-Day.

6.15 Implementing programs to ease the incorporation of former FMLN fighters: before D+60.

7. FMLN Political Participation

7.1 Adopt legislative or other measures to guarantee full exercise of rights of former FMLN fighters: between A and D (see footnote 5).

Footnote 5: It is understood that these measures will take effect in sufficient time to allow FMLN members to join COPAZ and other commissions without any sort of restriction. It is also understood that these legislative measures are broadly granted and do not exclude any type of former FMLN fighter. Therefore: it includes facilities to obtain documentation and does not discriminate against any FMLN member.

7.2 Solution for the problem of security for leaders and FMLN participants in COPAZ and other commissions: between Day A and D.

7.3 Release of political prisoners: D+30.

7.4 Promotion of the legislative decree for the legalization of the FMLN as a political party: from D+90.

7.5 Authorization of licenses for the media: from D+30.

7.6 Broad guarantees and securities for return: from D+40.

8. CEA

8.1 Informal CEA: between Day A and D.

8.2 Installation of the GCT: Day A.

8.3 Beginning of reconcilation campaign: A+1.

8.4 ESAF sends ONUSAL detailed information on the number of troops and weapons that will be concentrated in the places listed on Annex A: no later than D+7.

8.5 FMLN provides ONUSAL detailed information on the number of troops and inventory of weapons, ammunition, mines, and other explosives, and military equipment anywhere on national territory and its plans to concentrate them in the places listed on Annex B: no later than D-7.

8.6 Specific designation of the places established for the retreat of the ESAF and FMLN: between A and D.

8.7 First phase of separation of forces: between D and D+5.

8.8 Second phase of separation of forces: between D+5 and D+30.

8.9 FMLN concentration, under ONUSAL supervision, of all weapons, ammunition, mines, explosives, and military equipment belonging to the FMLN, including clandestine ones, in each one of the 15 designated places, in keeping with Paragraph 26 of Chapter 7: between D+6 and D+30.

8.10 ONUSAL control of all weapons, ammunition, mines, explosives and military equipment belonging to the FMLN, including clandestine ones, in keeping with Paragraphs 27 and 28 of Chapter 7: Beginning on D+30.

8.11 Reincorporation of former FMLM combatants, within a framework of full legality, to the country's civilian, political, and institutional life:

8.11.1 D+90: not less than 20 percent

8.11.2 D+120: not less than 40 percent

8.11.3 D+180: not less than 60 percent

8.11.4 D+240: not less than 80 percent

8.11.5 31 October 92: 100 percent

8.12 End of FMLN military structure: Between 15 October 92 and 31 October 92.

9. Final Declaration

The implementation deadlines of the agreements that are not contained on this calendar, as well as the adjustments that for any reason need to be made to these agreements, will be handled by ONUSAL, in consultation with the parties. Final Declaration:

The parties voice their firm determination to respect and implement in good faith all commitments acquired in this agreement and in the others reached within the negotiation process, within the terms and through the mechanisms established by them, as well as to cooperate with ONUSAL in its task of verifying compliance with such agreements. The Salvadoran Government formally commits itself to promote the approval of the agreed upon legislative reforms in due time to have them promulgated by the established deadlines.

[Issued] Mexico City, 16 January 1992 [Signed] Representing the Salvadoran Government
Dr. Oscar Alfredo Santamaria
Colonel Juan Martinez Varela
General Mauricio Ernesto Vargas
Dr. David Escobar Galindo
Dr. Abelardo Torres
Dr. Rafael Hernan Contreras Representing the FMLN

Commander Schafik [as published] Handal
Commander Francisco Jovel
Commander Salvador Sanchez Ceren
Commander Eduardo Sancho
Commander Joaquin Villalobos
Salvador Samayoa
Ana Guadalupe Martinez
Maria Marta Valladares
Roberto Canas
Dagoberto Gutierrez
UN Secretary General Butrus Butrus-Ghali

Annex I

BASIS FOR THE PREPARATION OF THE LAW AUTHORIZING REGISTRY AND CONTROL OF GROUPS OR SECURITY UNITS FOR THE PROTECTION OF STATE PATRIMONY, ENTERPRISES, CITIZENS, AND PRIVATE SECURITY PERSONNEL:

I. WHEREAS:

1. To refer to the Political Constitution in the relevant articles and subparagraphs that correspond to the objective of the law.

2. Need to regulate, coordinate, and integrate these functions by establishing an institution responsible for its control.

3. Develop the appropriate framework that regulates the operation of these types of groups, units, and persons who employ security services as relates to their performance within a democratic society.

II. ARTICLES

1. Purpose of the law.

2. Field of application.

a. Any group, unit, or persons providing security services to state institutions or other public or private institutions, as well as private persons.

b. It will be regulated as per the type of security:

1) Number and quality of personnel.

2) Number and type of weapons, as well as general equipment.

3) Installations assigned for housing and training of security personnel, as well as for storing weapons, munitions, and equipment.

c. Establishing mechanisms of control and supervision of the groups, bodies, and security personnel in charge of the PNC, without detriment to the competence of other bodies and officials authorized by the Constitution and legislation.

d. Establish the qualifications and responsibilities of the controlling body.

3. Establishment of the judicial and legal formalities to obtain the necessary permit to carry out security services regulated by this legislation.

4. Establishment of the jurisdictional regulation of these groups, units, or persons for the fulfillment of their duties.

5. Determining the control mechanisms to be put into practice by the controlling body, as well as the specific requirements to be fulfilled by these groups, units, or persons:

a. Registration of companies or individuals specifically involved in providing security services.

b. Special requirements to be met by those persons responsible for organizing and operating these companies.

c. Registration of personnel employed by security companies.

d. Requirements and conditions for admittance to these companies, as well as the prerequisites to be followed by those persons providing individual security services. A disposition of respect for human rights must be fundamental.

e. Registration of installations, weapons, munitions, and equipment.

6. Prohibitions

Prohibit the existence and operation of armed private groups of any type not duly regulated, as well as those that have not fulfilled the requirements established by this legislation.

7. Requirements to be issued by the controller organization to these companies, groups, or people on the kind of security that must accompany the rendering of these services.

8. Establishment of the necessary procedures to allow any corporation or individual to obtain authorization to hire security personnel.

9. Regulations to create, operate, and control private detective agencies.

10. Determination to comply with special registrations specified by other laws with regard to certain weapons, equipment, or materials used by these companies or groups.

11. Determination of limits on personnel, weaponry, ammunition, equipment, and material in general in keeping with the type of security to be rendered and the proportion that must exist between one and the other.

12. Establishment of deadlines for complying with the requisites specified by this law.

13. Issuance by the controller organization of the rules and instructions needed to carry out the activities regulated by this law.

14. Establishment of sanctions of various kinds for cases of failure to comply with the provisions of this law.

15. Establishment of a temporary regime calling for strict time limits to verify that these companies and groups and their personnel comply with the requisites established by law to carry out their specific duties as a condition for them to continue rendering them; the collection of weapons, ammunition, and equipment not falling under the framework of this law; and harmonization of the legal order regarding this matter.

16. Establishment of an assessment mechanism that will determine, within two years of this agreement, whether it is advisable to continue authorizing the operation of these companies and groups.

17. Repeal of those laws or provisions that run counter to this law.

Annex II

Draft of the Organic Law on the PNC Whereas;

According to Point 17 of Article 168 of the Constitution, the president of the Republic is responsible for "directing, organizing, and maintaining the PNC for purpose of safeguarding peace, calm, order, and public security both in urban and rural areas, with strict respect for human rights and under the direction of civilian authorities;"

The creation of the PNC must be accompanied by an organic law that will regulate the PNC institutionally.

Decrees:

Title I

General Dispositions:

Article 1

The mission of the PNC of El Salvador will be to protect and guarantee the free exercise of the people's rights and liberties; to prevent and fight crime; and to maintain peace, calm, order, and public security throughout the national territory.

There will not be any other armed police corp with nationwide responsibilities.

Article 2

The PNC is an armed institution of a civilian and professional nature separated from any kind of political party activity. Its structure and organization is of a hierarchical nature, under the supreme command of the president of the Republic, who will exercise his authority through the interior minister, the public security minister, and the deputy public security minister.

Article 3

The director general of the police has regular direct command of the PNC, under the authority of the public security minister and the public security deputy minister. The director general is responsible for directing and controlling implementation of the public security policy prepared by the government. He is also the highest administrative authority of the PNC.

The director general of the police is appointed by the president of the Republic. The Legislative Assembly may dismiss the director general through a resolution in case of grave violations of human rights, as established by the Constitution.

Article 4

The Office of the Inspector General of the Police functions under the authority of the director general. This office is charged with overseeing and controlling the work of the organization's operational services.

The inspector general is appointed by the director general after consultation with the attorney general and the national attorney for the defense of human rights.

The Office of the Inspector General will consist of the Control Division, in charge of controlling all police services; and the Disciplinary Investigations Division, in charge of investigating actions involving lack of discipline by any member of the police.

Article 5

The inspector general is to be assisted by an operations deputy director and a management deputy director.

The operations deputy director is in charge of coordinating and executing the operations of police division offices and department delegations.

The management deputy director is in charge of coordinating and carrying out administrative activities and providing logistical support to the PNC.

Article 6

The PNC has the following division offices: public security, criminal investigation, border areas, finance, weapons and explosives, protection of dignitaries, environment, and others to be formed on the orders of the president of the Republic.

The division chiefs are appointed by the director general of the police, at the proposal of the operations deputy director.

The appointment of the Criminal Investigation Division chief will also require prior consultation with the judicial branch president and the attorney general of the Republic.

The appointment of the finance division chief will also require prior approval of the finance minister.

Article 7

The Public Security Division is in charge of maintaining peace, order, and public security.

Article 8

Under the management of the attorney general of the Republic, the Criminal Investigation Division will investigate criminal incidents and will gather evidence to identify the people responsible for these crimes. It will also carry out investigations and other police actions required by the attorney general of the Republic, judges, and courts.

Article 9

The Border Areas Division is in charge of patrolling and controlling the admission, departure, activities, and, when required, expulsion of foreigners. It will also control the movement of nationals and guard and control public and private national airports, without hindering the Armed Forces' constitutional task of defending the country's territorial integrity.

Article 10

Under the management of the Finance Ministry, the Finance Division will prevent and combat the infringement of fiscal laws, without hindering fiscal surveillance and other functions assigned to the Finance Ministry. The Finance Division will serve as a police support office. It will have two departments: Customs and Taxes.

The Finance Division is the only police office to be involved in the customs and taxes fields. Consequently, any previous ruling or statute contrary to this law will no longer be valid when the Finance Division initiates operations.

Article 11

The Weapons and Explosives Division is in charge of preventing and combating the infringement of constitutional laws and regulations on the manufacture, import, export, commerce, possession, and bearing of weapons, ammunition, explosives, and similar articles.

Article 12

The Protection of Dignitaries Division is in charge of guarding and escorting top government officials, foreign dignitaries visiting the country, and other people, when so ordered by the government or legal courts. The division will also guard public buildings and the headquarters of diplomatic missions and international organizations.

Article 13

Under the management of the Agriculture and Livestock Ministry, the Environment Division is in charge of preventing and combating crimes and misdeeds against the environment.

Article 14

In addition to the Metropolitan Police delegation, which is to operate in San Salvador, a police delegation will operate in each of the country's departments. All police units will be under their corresponding delegations. The organization of the police delegations will be in accordance to each department's needs and characteristics.

The delegation chief is appointed by the director general of the police, at the proposal of the operations deputy director, who is directly over the delegation chief. The delegation headquarters will be located at the department seat.

The delegation will have the substations and police garrisons required by local needs.

Article 15

The Management Deputy Directorate is in charge of coordinating and implementing administrative activities and logistical support to the PNC. It will consist of the following divisions: infrastructure, computer, administration, logistics, planning and budget, and other divisions to be formed on the orders of the president of the Republic.

The division chiefs are appointed by the police director general, at the proposal of the management deputy director.

Article 16

Regular laws will be applied to crimes against PNC members, as well as to crimes committed by PNC members, even in the exercise of their official functions.

Title II

Police Functions

Article 17

It is the responsibility of the PNC to:

1. Protect and guarantee the free exercise of rights and freedoms by citizens throughout the national territory.

2. Maintain domestic peace, tranquillity, order, and public security.

3. Prevent and combat all types of crimes.

4. Carry out arrests in the cases established by the law.

5. Observe and control the entry, departure, activities, and expulsion of foreigners and the migrations of nationals; guard and control national public and private airports, without hindering the constitutional mission of the Armed Forces in defense of the integrity of state territory.

6. Prevent and combat violations to fiscal laws under the terms established in Article 10.

7. Grant protection to individuals and properties throughout the national territory, under the terms established in Article 12.

8. Prevent and combat violations to the constitutional and legal regulations governing the manufacture, importation, trade, ownership, and bearing of weapons, ammunition, explosives, and similar articles.

9. Control private security bodies or services.

10. Keep watch over pedestrian and merchandise traffic on public streets and keep watch over security on roads.

11. Guard all land, sea, and aerial communications at borders, ports, and airports.

12. Enforce environmental protection arrangements.

13. Guard the exterior of penitentiaries and manage prisoners and detainees.

14. Provide judicial branch officials the support they may require to effectively perform their duties.

15. Provide the prosecutor general of the Republic the support he may require in the investigation of crimes, especially crimes that will be subjected to penal jurisdiction.

16. Provide the National Attorney General for the Defense of Human Rights the support he may require to fulfill his duties.

17. Collect and sort information for the preparation of national criminological statistics.

18. Come to citizens aid in cases of public disaster.

19. Participate in social, civic, cultural, or educational programs established by the government through the minister or deputy minister of the sector in question.

20. Any other duty that may be attributed to you by law.

To perform the duties established in Numerals 14, 15, and 16 of this Article, the general director of the police will appoint the policemen that are needed upon the request of the judge, prosecutor general of the Republic, or the national attorney general for the defense of human rights, as the case may be. Under these circumstances, the policemen chosen will remain within the organic structure of the PNC, but they will be under the functional authority of the judge, prosecutor general of the Republic, or the national attorney general for the defense of human rights, as the case may be. The requests or authorizations of these last three officials will be an essential requirement in relieving policemen of the duties assigned to them.

Article 18

The exercise of police duties is subject to the following code of conduct:

1. Members of the PNC will, at all times, fulfill the duties imposed on them by the law, serving the community and protecting all persons from illegal acts, in keeping with the high degree of responsibility demanded by their profession.

2. In carrying out their duties, members of the PNC will respect and protect human dignity and will maintain and defend the human rights of all persons.

3. The confidential matters of which members of the PNC are aware will be kept secret, unless the fulfillment of duty or the needs of justice strictly demand the contrary.

4. No member of the PNC may inflict, instigate, or tolerate any act of torture or other cruel, inhumane, or degrading treatment. He may not invoke a superior's order or special circumstances such as a state of war, threat of war, national security threat, internal political instability, or any other public emergency as a justification for torture or other cruel, inhumane, or degrading treatment.

5. PNC members will ensure the protection of the integrity and health of persons under their custody and they will especially take immediate measures to provide medical treatment when it is required.

6. PNC members will not commit any act of corruption. They will also firmly oppose acts of these type and will fight them.

7. PNC members who have reasons to believe that a violation of the present norms of conduct has taken place or will take place, will inform their superiors of the matter and if necessary, they will inform any appropriate authority or organization.

Article 19

PNC members will wear their regular uniforms while on active duty. On rare occasions, the relevant minister and the deputy minister or the general director may authorize PNC members not to wear the uniform while carrying out certain duties.

Article 20

PNC members must carry their respective weapons for the appropriate circumstances or services.

The use of weapons is regulated by the following norms:

1. In the performance of their duties, the PNC members will use, as much possible, nonviolent means before resorting to the use of force or firearms. They may use force or firearms only when other means turn out to be inefficient or do not guarantee by any means the achievement of a legitimate result.

2. PNC members will not use firearms against people except in: self-defense or in the defense of other persons, in case of imminent threat of death or serious injuries, with the purpose of preventing the commission of a

particularly serious crime that poses a serious risk to someone's life, or with the objective of stopping a person representing such a threat and who resists his authority. Weapons may be used only in cases where less extreme measures are inefficient to achieve such objectives. In any case, the intentional use of lethal weapons may only be allowed when it is strictly necessary to protect someone's life.

3. When the use of firearms is unavoidable, the members of the PNC:

a) Will exercise moderation and will act in proportion to the seriousness of the crime and the legitimate objective that is being sought;

b) Will keep damage and injury to a minimum and will protect human lives;

c) Will take the proper steps to provide medical assistance and services to the injured or victims as soon as possible;

d) Will attempt to notify relatives or close friends of any injured person or victim as soon as possible;

4. When through the use of force or firearms the PNC members inflict injuries or death, they will immediately notify their superiors.

5. When complying with their duty to safeguard people's rights, PNC members will protect the right to assemble and to demonstrate. When, for legal reasons, they are forced to dissolve a demonstration or a gathering, they will use the least dangerous means to do so. PNC members will refrain from using firearms in these cases, except in the case of violent gatherings in which other methods were tried and only if the circumstances established in item No. 2 of this article exist.

6. Exceptional circumstances such as internal political stability or any other public emergency situation may not be invoked to justify the breaking of these norms.

Article 21

PNC members will not normally be restricted to their quarters. This regimen will not be enforced except under rare circumstances and for the time that is strictly required.

Article 22

The vehicles, communications systems, uniforms, installations, and, in general, the equipment that will be used by PNC members will be provided according to the requirements of a police corps of the type established by this law.

Title III

Police Statutes

Article 23

In exercising their duties, PNC members will enjoy the consideration of the authorities by virtue of the law.

Article 24

The PNC member's duties are:

1. Respect rights, the Constitution, and laws, regardless of the circumstances surrounding the fulfillment of their mission.

2. Respect and heed the orders and instructions of his superiors, which must always be in keeping with the Republic's Constitution and laws. Obedience to an order from above does not justify the commission of actions that are evidently punishable.

3. Show due consideration and courtesy in his relations with other people and his subordinates. A policeman must identify himself before carrying out measures that will restrict freedom, except when flagrant crimes prevent him from doing so.

4. Intervene whenever necessary, even during off-duty hours, to protect people and property and prevent crime.

5. Abstain from engaging in any remunerated activities as well as receiving payment or reward for activities related to his duties.

6. Abstain from participating actively, during working hours, in political meetings and activities.

7. Abstain from organizing unions or other groups pursuing similar goals and from participating in strikes.

Article 25

The policeman's rights are:

1. A policeman will enjoy job stability. He will not be dismissed for reasons other than those specified by the law.

2. A policeman is entitled to be informed by his superiors on the goals, organization, and operation of the service he belongs to.

3. A policeman is entitled to a promotion within the force's hierarchy in accordance with the terms specified by the law.

4. A policeman is entitled to remuneration in keeping with his rank and seniority in a service.

5. A policeman is entitled to annual vacations of no less than 15 working days. The vacation period will be extended after the fifth year of service in accordance with the regulations.

6. A police is entitled to retirement and social security benefits.

7. In exercising his duties, a policeman has the following prerogatives:

A. Request the collaboration of any authority;

B. Have free access to collective public transportation;

C. Receive free and priority treatment at hospitals, clinics, and health centers should he be injured while on duty.

D. Have access to facilities where he can study to upgrade his academic status.

Article 26

A policeman is responsible for his actions while on duty.

Article 27

PNC members are subject to the following disciplinary sanctions, depending on the seriousness of the infraction committed:

1. Verbal reprimand.
2. Written reprimand.
3. Suspension without pay.
4. Arrest for up to a 15-day maximum.
5. Demotion.
6. Dismissal.

Verbal and written reprimands will be issued by the respective chiefs of service; however, the policeman is entitled to appeal before the disciplinary commission.

The other sanctions are imposed by a disciplinary commission under the Inspectorate General. These sanctions can only be applied through a procedure giving the affected policeman access to his file and that respects the rights of the defendant.

Investigation of infractions will be done by the Inspectorate General, who may act officially or on a charge filed by any citizen, the affected policeman's chief, solicitor general, and human rights attorney general.

Article 28

PNC members may be suspended with pay as warranted by the results of administrative or judicial investigations.

Title IV

Police Career and Roster

Article 29

PNC personnel must want to serve the community, have good interpersonal relations and emotional maturity, as well as the necessary physical condition for serving as a policeman. He should be qualified to serve in a police corps whose concept, structure, and practice are proper in a civilian institute, destined to protect and guarantee the free exercise of the rights and liberties of the people; to prevent and fight all types of crimes, and to maintain internal peace, tranquillity, order, and public security. He should also be able to adapt satisfactorily his behavior to the PNC doctrine and legal organization.

Article 30

The PNC roster includes the following levels and categories:

1. Basic level, whose categories are: agent, officer (corporal), and sergeant.

2. Executive level, whose categories are: deputy inspector, inspector, and chief inspector.

3. Superior level, whose categories are: intendant, major intendant, and superintendent.

Article 31

Admission to the PNC is through admission tests to the National Academy of Public Security and passing the selective basic training course at the Academy.

The admission tests seek to verify that the candidates comply with the profile required for belonging to the PNC, according to each one of the levels of responsibility as defined in this law. These include the following: cultural test, physical test, medical examination, and a psychological test. These tests are complemented by personal interviews with the candidates.

Article 32

Minimum requirements for taking the admission tests are the following:

1. Salvadoran citizenship by birth.
2. Eighteen years of age at the time of presenting the application.
3. Completion of required level of studies for the category desired.
4. Good physical condition.
5. Qualified to all citizens' rights.
6. Have no criminal record or have served no sentence.

Article 33

To qualify for the categories of agent and officer (corporal), it is required to have completed the ninth grade of school, or its equivalent. A high school diploma is required for the other categories of the basic level. The executive level requires having successfully completed three years of university studies, or its equivalent. The superior level requires a university degree, or its equivalent.

Article 34

PNC members can be promoted within the categories of the basic level by competing with those who have completed more than two years of seniority in the lower

category and meet the requirements for the category to which they aspire. The selected candidates must also approve the course organized to this effect by the National Academy of Public Security.

Article 35

Half of the posts available for the executive and superior levels will be reserved for the academy's graduates. The other half will be open for competition.

Promotion in these categories will also be by competing with those who have more than three years seniority in the lower category and meet the requirements for the category to which they aspire. The selected candidates must also approve the course organized to this effect by the National Academy of Public Security.

Article 36

The PNC administrative, technical, and service staff will be subject to the statutes applicable to public administration in general and they do not belong to the police.

Title V

Transition Period

Article 37

The transition period for the PNC's establishment will be 24 months, as of the entrance of the first contingent of basic level trainees to the National Academy of Public Security.

Article 38

During the transition period, the PNC will not be under any ministry. The general director will respond directly to the president of the Republic.

Article 39

The PNC will be headed by the general director, in accordance with the provisions of this law.

Article 40

During the transition period leading up to the normal operation of the PNC operational and jurisdictional structures, the general director will be appointed by the president of the Republic, from a list of candidates recommended by the COPAZ.

Article 41

During the transition, the general director will establish the appropriate means of information and communication with COPAZ, to allow compliance with its duty of supervising the PNC. COPAZ, in exercising part of its regular authority, will appoint a subcommission on information and communication, to serve as an advisory commission to the general director or coordinator.

Article 42

The PNC will be deployed gradually as graduating contingents from the National Academy of Public Security allow it to fully assume control of each of the operational and jurisdictional structures set forth herein. The general director will establish the priorities and the order in which such deployment will take place.

Article 43

The former security forces substitution process will be carried out by department, ensuring that no lapses in authority occur. All departments must be covered by PNC contingents within 21 months after the process has begun.

Article 44

The general director may decide on the creation of temporary command posts for a predetermined time period, until the first directors and executives have been appointed.

Annex III

Draft Law on the Public Security National Academy

Article 1

1) The Public Security National Academy of El Salvador is created as an autonomous organism assigned to the Interior and Public Security Ministry.

2) To fulfill its goals, the academy enjoys its own legal status, administrative autonomy, and the full power to function based on existing legislation.

3) The academy functions with financial autonomy, and will have sufficient resources. For this purpose, it has its own budget.

Article 2

The activity of the academy can be conducted throughout the country. The academy headquarters will be located in....[no place given]

Article 3

1) Included in the academy's functions are:

a) training members of the PNC.

b) drafting selection plans and conducting the respective tests to enter and graduate from the PNC.

c) investigating, studying, and informing on matters related to the PNC and public security.

2) The academy will provide studies corresponding to the training cycles that may be created for the PNC, based on the study plans that are established.

3) To achieve and develop those goals, the academy will promote institutional cooperation among universities,

the Judicial Branch, the office of the attorney general, and other national or foreign institutions of use for the abovementioned educational goals.

Article 4

The directive and administrative sections of the academy are the director and the Academic Council.

Article 5

The director, who has the same rank as the PNC director, is appointed in a manner similar to the PNC director, as proposed by the interior and public security minister.

The mandate of the director lasts three years.

Article 6

The Academic Council has eight members, all civilians. They are named by the minister, as proposed by the director, from persons in civic, cultural, legal, technical, police, and academic endeavors who have pluralist criteria. Its mandate is the same as that of the academy director.

Article 7

The academy director will:

a) direct the academy services and personnel;
b) authorize expenses and payments;
c) issue diplomas and certificates;
d) hand out appointments and contracts to teachers designated by the Academic Council;
e) hire administrative personnel for the academy;
f) prepare the draft budget; and
g) direct the implementation of plans for training and selection.

Article 8

The Academic Council will:

a) appoint teachers, avoiding predominance of a specific political party;
b) determine the admission system and make sure that it is not discriminatory;
c) issue reports and recommendations on teachers' activities.
d) inform the director on matters requested by him; and
e) prepare annual reports on the activities of the academy.

Article 9

The academy's patrimony is comprised of the following resources:

a) contributions from the government;
b) contributions from international organizations;
c) subsidies and other public or private contributions;
d) payments derived from agreements; and
e) other contributions.

Article 10

1) The academy's organizational structure will be determined by decree.

2) The academy's permanent personnel will have the status of public administration official.

Article 11

The following temporary rules will be applied for the appointment of the academy's first director and the first Academic Council:

1) The director will be appointed by the president of the Republic from a list of candidates proposed by COPAZ.

2) COPAZ will also propose a list of candidates for the Academic Council based on criteria of political pluralism, for their appointment by the president of the Republic.

3) During the transition, the Public Security National Academy will not be under the jurisdiction of any ministry. Its director will be under the direct authority of the president of the Republic.

[Signed] Government of El Salvador